



# The Planning Inspectorate

ST

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0117-9878927  
Switchboard 0117-987 8000  
Fax No 0117-9878769  
GTN 1374 8927  
E-Mail ENQUIRIES.PINS@GTNET.GOV.UK

DAF  
F3  
CJD

David Parker  
David Parker Architects  
The Old Brewery Tap  
3 Shirburn Street  
WATLINGTON  
Oxon OX9 5BU

PLANNING DEPARTMENT				
DACORUM BOROUGH COUNCIL				
Your Ref:		GOW/APP		
Our Ref:		T/APP/A1910/A/98/296206/P8		
Received		06 OCT 1998		
Date:		- 5 OCT 1998		
Comments				

Dear Sir

## TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6 APPEAL BY A GOWLAND ESQ APPLICATION NO; 4/01654/97/OUT

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Dacorum Borough Council to refuse planning permission for three detached houses to replace the existing dwelling at Little Orchard, Beechwood Park, Hemel Hempstead, Hertfordshire. I have considered all the written representations together with all other material submitted to me and as you know I inspected the site on 21 September 1998.

2. The application was made in outline with all matters reserved. I therefore treat drawing 9791/1 as indicative of your client's intentions to position the houses in a line in depth down the plot facing north-westwards towards the flank elevation of No 25a with the access to the proposed houses running alongside the existing south-eastern boundary fence of No 25a in a similar manner to the existing drive to the garage of the appeal property. Your client would accept a condition requiring any first floor windows in the houses to be set back at least 12.5m from this boundary with 25a, as opposed to the lesser illustrative distances on the plan.

3. From all I have seen and read in this case, I consider there to be one main issue which is whether or not the proposal represents overdevelopment of the site, harmful both to the character of the surrounding residential area and the living conditions of adjoining occupiers with particular reference to privacy.

4. The development plan comprises the Hertfordshire Structure Plan and the Dacorum Borough Local Plan. Policies which in my opinion are most relevant to this appeal are from the local plan. Policy 8 expects a high standard in all development proposals, with development not being permitted unless, amongst other things, it is appropriate in terms of layout and site coverage on the site itself, in relation to adjoining property and in the context of longer views, respects the townscape, density and general character of the area in which it is set, and avoids harm to the surrounding neighbourhood and adjoining properties through

loss of privacy. Policy 9 refers to environmental guidelines amplifying criteria in Policy 8. Policy 101 on density of developments in residential areas says proposals will not be permitted if they have a dwelling density that would adversely affect the amenity and existing character of the surrounding area by reason of matters like excessive site coverage and loss of privacy. Supplementary Planning Guidance on Development in Residential Areas includes the site within the Felden West Character Area where the approach is to maintain defined character, including wide to very wide spacing of houses, and development at a very low density (less than 15 dwellings/ha).

5. The existing house, a substantial structure dating from the inter-war period, is in my opinion largely seen within the context of low density detached housing to the north-west (No 25a and Beech Lodge both built in the 1990s) and to the south-east and south (houses in Beechwood Park and The Hawthorns dating from the 1980s). I appreciate that there are nodes of denser development within Felden West along, for example, Box Lane and that these nodes contain older housing with degrees of opportunity for mutual overlooking that would be unlikely to be acceptable by today's standards. However I do not consider that these largely historic relationships set a pattern which should be followed on the appeal site.

6. The density of the proposal on my calculations would be around 20 dwellings/ha compared with around 12-13/ha in the context area I mention above. Whilst I take into account the existing built form of Little Orchard and the way in which it is aligned in its plot, it does seem to me that 3 houses of a size commensurate with those of the surroundings would inevitably appear cramped. The uncharacteristically small gaps between them would not in my view be offset by any wider gaps that might be achieved along the street frontage by developing the site in depth, and the likely sizes of the private gardens would not equate with the same degree of spaciousness that I found characterises the surrounding dwellings. In these respects the proposal would be contrary to the development plan by not respecting the townscape, density and general character of the area in which it is set.

7. As to opportunities for overlooking from the proposed houses, it does seem that the relationship to the Old House and its garden, to the north and north-east of the appeal site on the far side of a public footpath, is not critical in my assessment. However development in depth on a plot where the houses either side face the street means that it can be difficult to devise a layout where the back gardens of the houses either side are not directly overlooked from upper windows of the new houses. I am not convinced that, because of differences in levels and an existing dense screen of cypresses, problems of inter-visibility would arise towards the south-east where the adjoining house also has a first floor flank window. But to the north-west, I consider the occupiers of the house No 25a would experience a substantial reduction in perceived privacy in their back garden. This to my mind would not be overcome by a higher fence, the setting back of the fronts of the proposed houses, or the unlikely possibility of designing houses appropriate to the area without windows lighting habitable rooms on their main first floor frontages. The scheme would therefore be contrary to the development plan by not avoiding harm to adjoining properties through loss of privacy.

8. I conclude on the main issue that the proposal represents overdevelopment of the site, harmful both to the character of the surrounding residential area and the living conditions of adjoining occupiers as regards privacy, and is unacceptable. I have taken account of all other matters put to me including suggested amelioration of harmful effects by way of conditions,

the previous history of the site and surroundings, the existing access arrangements and making good use of windfall plots in the interests of meeting housing demand. However none of these has sufficient weight to alter my conclusion on the main issue.

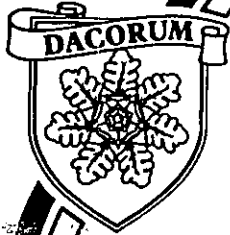
9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

*M. J Thomson*

M J THOMSON BA(Hons) DipTP  
Inspector

NORTHGATE  
DOCUMENT STAMPED  
TO ENSURE DETECTION  
BY SCANNER



# PLANNING

Civic Centre Marlowes  
Hemel Hempstead  
Herts HP1 1HH

MR D CLARKE  
D CLARKE PLANNING & DESIGN  
47 GRAVEL LANE  
BOXMOOR  
HEMEL HEMPSTEAD  
HERTS  
HP1 1SA

**Applicant:**

A GOWLAND ESQ  
LITTLE ORCHARD  
BEECHWOOD PARK  
HEMEL HEMPSTEAD  
HERTS  
HP3

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION - 4/01654/97/OUT**

**LITTLE ORCHARD, BEECHWOOD PARK, HEMEL HEMPSTEAD, HERTS, HP3  
DEMOLITION OF EXISTING HOUSE AND ERECTION OF 3NO DETACHED  
HOUSES**

Your application for outline planning permission dated 21 October 1997 and received on 23 October 1997 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 11 December 1997

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01654/97/OUT**

Date of Decision: 11 December 1997

- 1. The density of development proposed is excessive and unwarranted in this location and would if permitted prove severely injurious to the general character and amenity of the area.**
- 2. The proposed dwellings by reason of their siting, orientation and size, would be inappropriate and out of character with the context of the surrounding development, and would lead to overlooking and loss of privacy and general residential amenity for adjacent dwellings.**