

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To Richard A Ward  
13 Chestnut Drive  
Berkhamsted  
Herts

Detached dwelling (Outline)

at Land adjoining 13 Chestnut Drive, 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 **26 October 1987** and received with sufficient particulars on **2 November 1987** 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 represents a gross overdevelopment of the site which would adversely affect the amenities and privacy of adjacent dwellings, and would be detrimental to the environment of the locality.

Dated **10** day of **December** 19 **87**

Signed

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.



# Department of the Environment and Department of Transport

Common Services

Room 1404 Tollgate House Houlton Street

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
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27005

Mr Richard A Ward  
13 Chestnut Drive  
BERKHAMSTED  
Herts

**CHIEF EXECUTIVE  
OFFICER**

24 OCT 1988

File ref. ....  
Refer to .....  
Cleared .....

Your reference

Our reference

T/APP/A1910/A/88/092945/P4

Date

21 OCT 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO: 4/1669/87

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of a chalet bungalow on land adjacent to No 13 Chestnut Drive, Berkhamsted. I have considered the written representations made by you and by the Council and also those made by Berkhamsted Town Council and 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 12 September 1988.

2. From my inspection of the site and the representations made I consider that the main issues in determining your appeal are firstly, the effect of the proposed bungalow on the appearance of the surrounding area, and secondly, the effect of the proposal on the living conditions of neighbouring residents in terms of outlook and loss of light.

3. The appropriate policy document for Berkhamsted is the Dacorum District Plan which was adopted by the Council in January 1984. In it Policies 63 and 64 make allowance for housing on small sites within residential areas of the town so long as the development is satisfactory in environmental terms. Policies 18, 19 and 66 set out in more detail the environmental criteria under which development should be judged. These include the effect of the development on the appearance of its surroundings, traffic on nearby roads and the living conditions of neighbours. These policies reflect national guidelines as expressed in DOE Circular 15/84.

4. Infilling is normally defined as the development of a small gap in an otherwise built-up frontage. I accept that your site fulfils both criteria and would fall within the scope of the above policies. Chestnut Drive contains bungalows and 2-storey houses in a variety of designs but the 3 bungalows of which yours is the central one are similar both in appearance and spacing. Plot widths vary but most of the detached dwellings are in plots more than 11 m wide giving relatively generous spacing between buildings. I agree that a bungalow could be designed to fit onto the site but, at about 6.3 m, the plot width would be markedly smaller than most others in the street. In my view, its necessarily narrow front elevation and the small gap separating it from neighbouring dwellings would give it a cramped appearance. To provide adequate parking space would take almost the whole of the front garden. The resulting area of hardsurfacing would be unattractive and inappropriate and there would be little space for effective landscaping to screen or soften the appearance of the site, which slopes up from the road. The only practicable alternative, an integral garage, would lengthen the bungalow rearwards a substantial distance and

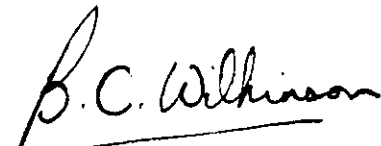
would have, in my opinion, an unacceptably overbearing effect upon neighbouring properties. I conclude that a bungalow on this site would be out of keeping with other dwellings on Chestnut Drive and harmful to the appearance of the area.

5. I do not doubt that the site could accommodate a bungalow which would not project beyond neighbouring properties either at the front or the rear and consequently it would not have an overbearing effect upon their gardens. However both your property and that at No 15 have habitable room windows facing the appeal site and I can conceive of no practicable design which would not severely curtail the outlook from these windows and substantially reduce daylight falling upon them. Sunlight, too, would be affected but to a lesser degree since the existing bungalows and the trees and shrubs in the gardens must already keep the windows in shade for much of the day. Since the windows are on the side of the dwellings I attach less weight to this problem than I would if they were at the front or rear. I conclude therefore that the issue does not, alone, give adequate grounds for opposing your proposal. However when taken in combination with the adverse effects upon the appearance of the area the impact of the proposal is, in my judgement, unacceptably harmful and I propose to dismiss your appeal.

6. I have taken into account all of the other matters raised. On the question precedent I agree that there are no sites on Chestnut Drive which are very similar to yours but in the area generally I observed a number which could claim a close resemblance. To accept the present proposal would make it difficult for the Council to resist development on such sites and the cumulative effect on the area could, in my view, harm its character. The house behind No 19 Chestnut Drive, to which you have drawn my attention, is not closely comparable to the appeal site as its road frontage is much wider and its relationship to nearby dwellings is markedly different. Neither these, or any other matter raised, is so cogent or compelling as to affect the considerations leading to my decision.

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

I am Sir  
Your obedient Servant



B C WILKINSON BEng (Hons) DipTP MRTPI  
Inspector