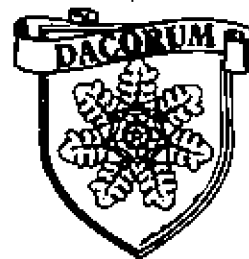


TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

Mr. D. Morphee
29 Leverstock Green Road
Hemel Hempstead
Herts.

Mr. P.J. Fountaine
27 Castle Street
Berkhamsted
Herts.

To

.....Two detached houses and garages (Outline).....
.....
at29 Leverstock Green Road, Hemel Hempstead, 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 dated2 September 1988..... and received with sufficient particulars on7 September 1988..... 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 new dwellings would, by reason of their proximity to No. 29 Leverstock Green Road, result in a serious loss of privacy to the occupants of both the existing and proposed dwellings.
2. The proposal represents a gross overdevelopment of the site which would affect adversely the visual and general amenities and detract from the character of the area.
3. The proposal represents an undesirable form of two tier backland development being served by a long and narrow means of access passing through the curtilage of an existing dwelling. Such development would not only be liable to place an unwarranted burden on the various services but would in addition result in dwellings being sited in poor relationship with one another.

Dated19th... day ofDecember..... 19 88

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.



Planning Inspectorate
Department of the Environment

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P J Fountaine Esq
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Hertfordshire

**CHIEF EXECUTIVE
OFFICER**

10 JUL 1989

File No.
Refer to *CDG*
Cleared *cdh*

Your Reference

Morfee D

Our Reference

Ref T/APP/A1910/A/89/115739/P5

CPO Date 5 JUL 89

Received 10 JUL 1989

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR D MORFEE
APPLICATION NO:- 4/1686/88

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal which is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of 2 detached houses and garages on land at 29 Leverstock Green Road, Hemel Hempstead, Hertfordshire. I have considered the written representations submitted by yourself on behalf of your client together with those of the Council and other interested persons. I inspected the site on 28 June 1989.
2. From my inspection of the site and the area within which it lies, and from my reading of all the representations made, I have concluded that the principal issues in this case upon which the decision should turn are firstly; the effect of the development upon the appearance and character of the area; secondly, whether or not the erection of these houses in this way would result, to an unacceptable degree, in a loss of privacy or other amenity to the neighbours and thirdly; whether the means of access to the site from Leverstock Green Road is satisfactory.
3. The appeal site is at present in use as a substantial part of your client's rear garden. His house lies on the frontage to Leverstock Green Road, within a group of similar properties, but on an appreciably larger plot. The area is primarily residential in character, being situated on the eastern outskirts of Hemel Hempstead. Immediately to the north-west of the site is a public footpath. This has the effect of separating the site from the rear gardens of the adjacent houses beyond.
4. On your client's behalf you refer to the residential allocation of the appeal site within the District Plan and the problems of meeting the demand for new housing sites within the Borough. For this reason, you say, and because of the harm which can be caused in some instances by the development of land at the perimeter of the town to important interests such as the appearance of the countryside, suitable opportunities, such as is proposed here on less sensitive sites, should be taken where possible. You feel that the remaining garden size of your client's property, if the development went ahead and which has been criticised by the Council, is primarily a matter for him as it would harm no other interest. Each case should be viewed on its own merits but by the same token you cite examples of other developments in the area which have been permitted and which, you say, possess similar characteristics to this proposal. You refer particularly to their relationship with adjoining houses, and their general form and scale, including their garden sizes.
5. The references made by the Council to both the District and Structure Plans contain nothing, you say, which precludes the development of the site in this way. Indeed several policies, most notably number 64 of the District Plan, positively

supports the proposal. As regards the access arrangements, the new private driveway could be increased in width to 4.1m as required. Such other objections which are raised, for instance the problems alleged to be likely to occur from factors such as overlooking, loss of privacy and an increase in disturbance, are refuted. You believe that the relationship between houses and gardens which would accrue from this scheme would be little different from similar examples elsewhere. Altogether you feel that the scheme represents an acceptable and worthwhile use of land.

6. The plans submitted with the application, which in view of your representations on their content I have regarded as for illustrative purposes only, show a form and siting of buildings noticeably out of keeping, I believe, with the general pattern of development prevailing in the area. The new houses would be located on a type of site commonly referred to as "backland" and would effectively introduce a third tier of dwellings within the immediate neighbourhood and between the houses facing New Park Drive and Leverstock Green Road. To my mind the new buildings would appear both obtrusive and quite out of place in this setting, on plot sizes substantially less than those nearby. Furthermore, I am certain that they would be unreasonably obtrusive and over-bearing from a number of vantage points to an extent that discernible and unacceptable harm to the appearance and character of the area would be caused. I do not share your opinion that the close proximity of the dwellings, and the very small garden areas which would result, is only a matter for your client and the occupiers of the new houses.

7. It cannot be right that the development of land which creates such sub-standard conditions in respect of distances between buildings and the proper provision of amenity space can be acceptable, in terms of the public interest, just because the persons most directly affected do not object. In the interests of the good planning of the area generally, and the adjoining residents who would be seriously affected by this scheme, particularly as regards the unreasonable degree of overlooking and the overbearing impact of 2 substantial buildings sited close to their rear gardens, I believe it to be important that certain minimum standards should be observed in infill types of development such as this. The proposal would be so intensive in terms of land use, and so unneighbourly in its impact upon the adjoining and nearby residents, that on the first 2 main issues which I have identified, I firmly believe it to represent a substantial overdevelopment of land, causing demonstrable harm to a number of interests of acknowledged importance.

8. As regards the means of access to the site, and on the remaining issue, I believe that in itself this could be acceptable if the minimum standards required by the Council were to be met. The new driveway would serve only 2 dwellings and bearing in mind its means of egress on to the service road rather than the main road itself, I believe it to be acceptable in principle. The effect upon the neighbours from factors such as noise or loss of privacy would not, I accept, be substantially greater than a driveway serving a single house, often to be seen in similar circumstances to that proposed here in suburban areas of this kind. My decision in this case has been determined, however, upon the basis of my conclusions in respect of the first 2 main issues. I have taken into full account all the other matters raised, but nothing is of such weight, or as cogent as the main issues which I have identified and my conclusions thereon, for me to take any other view of this case.

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

I am Sir
Your obedient Servant



D A HARMSTON FRICS DipTP MRTPI
Inspector