



Planning Inspectorate Department of the Environment

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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL GTN 1374							
Maurice Phillips Partnership 10 Sovereign Park Cleveland Way HEMEL HEMPSTEAD Hertfordshire HP2 7DL				Ack.		Your reference	
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	
Received				18 SEP 1990		Date	
Comments							

Our reference
T/APP/A1910/A/90/153588/P5

17 SEP 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY GADEBRIDGE PROPERTY COMPANY
APPLICATION NO:- 4/1731/89

- I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a Category 2 elderly person's development of 35 flats and one warden's flat on the site of "Hansel" and "Greentide", High Street Green, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by the High Street Green and Branksome Close Residents' Association. I have also considered those representations made directly by other parties or interested persons to the Council which have been forwarded to me. I inspected the site on 22 August 1990.
- From these representations and my inspection of the appeal site and surroundings I consider that the main issue in this case is whether the proposed development would be so dominant and out of character with the area that it would cause significant visual harm to adjoining properties and to the general surroundings.
- The appeal site consists of 2 houses and their gardens totalling about 0.28 hectares (0.69 acres). The area around the appeal site is a primarily residential one and has a very spacious and park like appearance. High Street Green, the road to which the appeal site has access, has very wide grassed verges on either side and is amply planted with mature trees. Houses are set well back from their front boundaries along this road and screened by tall hedges and trees. The gardens of the existing appeal houses "Hansel" and "Greentide" have high hedges all round and there are a number of mature trees in the 2 gardens.
- The development would consist of 2 rather bulky 3-storey buildings. Both of these are designed with pitched roofs to make them accord more with the residential character of the area but their size means that their position on the site is of crucial importance if they are not to dominate the adjoining properties. The westernmost of these blocks I consider is acceptable. There is a school to the west of the appeal site which would not be much affected by this building and the latter would, I consider, be sufficiently distant from the northern boundary to minimise its impact on houses in Branksome Close.
- However, the eastern block would be sited only a metre or so from the appeal site's boundary with No 1 Branksome Close, the nearest house to the north. I accept that the occupants of the house would not be overlooked to any significant degree because you have designed this block with very few if any principal windows facing

north. However, this relatively large building would only be about 14 m distant from this dwelling. It would, in my view, dominant the outlook for the occupants of this house and overshadow their garden. Existing trees and hedges along the boundary between the 2 properties would have to be cut back and might have to be taken out altogether because this particular block is so close to the boundary.

6. The Council's informal car parking standards, which it adopted late in 1989, would require provision for about 45 spaces if the appeal scheme were considered to be simply for ordinary flats and 29 if it were considered to be "Category 2", that is sheltered flats for elderly people with full warden supervision. The appeal scheme provides 29 spaces with one warden's flat in the western block.

7. While the parking standards do not form part of a statutory plan and seemed to have been produced at a rather late stage in the Council's consideration of this scheme, they do seem to me to provide a reasonable guide as to what standard of provision should apply. I consider that a reduced standard of parking should only be applicable if the development were comprehensively a sheltered scheme. Without warden provision in both blocks the appeal proposal would be much more like an ordinary flat development and this would necessitate a markedly higher parking provision. Clearly this could not be provided on the appeal site without reducing amenity areas drastically and it would, I consider, result in a development wholly out of character with its surroundings.

8. I have taken into account all the other matters raised but none of these has been of sufficient weight to deflect me from my overall conclusion. In my view, principally because of the size, scale and siting of the eastern block, the appeal scheme would cause significant visual harm to adjoining properties and to its immediate surroundings.

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

I am Gentlemen
Your obedient Servant

EB Williams

E B WILLIAMS DipTP ARICS MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

SAH



DACORUM BOROUGH COUNCIL

To Gadebridge Property Co
72 Alma Road
St Albans
Herts

Maurice Phillips Partnership
10 Sovereign Park
Cleveland Way
Hemel Hempstead HP2 7DL

.....Category 2 Elderly Persons' development of 35 flats...
.....and 1 Warden's flat.....
at "Hansel" and "Greentide", High Street Green.....
.....Hemel Hempstead.....

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 dated20. October 1989..... and received with sufficient particulars on24. October 1989..... 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, by reason of the mass and height of the buildings, represents a gross overdevelopment of the site with minimal amenity space, which would affect adversely the visual and general amenities and detract from the character of the area.
2. The proposed development is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities "for the type of residential development proposed.

DatedTwenty second..... day ofDecember..... 19 89

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 the date 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.

DC.4 NOTES