



**Department of the Environment and  
Department of Transport**

Common Services

Room 1417 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 927

Switchboard 0272-218811

GTN 2074

**CHIEF EXECUTIVE  
OFFICER**

**3 AUG 1987**

File Ref. ....

Refer to *CPO 3/8*

Cleared .....

**21432**

Mr P Burdess  
Architect  
31 Ringshall  
BERKHAMSTED  
Herts  
HP4 1ND

Your reference

Our reference *PLANNING DEPARTMENT*  
*T/APP/AL910/A/87/65708/P4*  
COUNCIL

Date

**31 JUL 87**

Ack.

C.O.

Admin.

File

Received

**3 AUG 87**

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MOOREHART HOMES LTD  
APPLICATION NO: 4/1747/86

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. The appeal is against the decision of the Dacorum Borough Council to refuse full planning permission for the conversion into 2 flats of 1 Myrtle Green, Hemel Hempstead. I have considered the written representations made by you and the Council and an interested person. I inspected the site on 16 June 1987.

2. From my inspection of the site and surroundings and consideration of the representations made it seems to me that there are 2 main issues to be determined:-

- i. whether or not the proposal would be detrimental to the residential amenities of the occupiers of nearby houses, and
- ii. whether or not the appearance of the proposal would adversely affect the street scene.

3. No 1 Myrtle Green is a 2-storey, end of terrace house fronting onto a parking area and green on the east side of Newlands Road. The area is residential in character with many similar terraced properties.

4. The proposal is to convert the 2 bedroom house into 2 self-contained flats and provide an external staircase to serve the first floor flat. Parking is intended off Newlands Road.

5. The principal change in the appearance of the house, the new staircase, I accept would be screened to a large extent by the existing boundary fence to Newlands Road. The trees near the gable end would also serve to screen the staircase when they are in leaf. In my opinion the external appearance of the house would not be so materially affected that it would justify the rejection of the appeal for that reason.

6. The privacy enjoyed by the occupiers of the adjoining house would not be so adversely affected by the proposal that it would form a reason for rejecting the proposal. The garden of that house would be seen from the rear facing window of the living room at first floor level, but this would be the area away from the house where privacy would not be so important. A more important consideration to my mind is that of noise and disturbance.

7. The introduction of a living room at first floor adjacent to the bedroom level of the adjoining house could give rise to possible conflict due to disturbance, and a reduction in residential amenities now enjoyed by the occupiers of the adjoining house. I note that you are willing to incorporate sound insulating materials in the separating structure between the various dwellings. It seems to me therefore that providing consideration is given to preventing the transmission of noise likely to cause disturbance, the presumption in favour of the proposal should prevail.

8. I have taken into account all the matters raised in the representations but do not find them of such strength as to affect my decision.

9. For the above reasons and in exercise of the powers transferred to me I hereby allow this appeal and grant full planning permission for the conversion into 2 flats of 1 Myrtle Green, Hemel Hempstead in accordance with your application dated 17 December 1986 (Reference No 4/1747/86) and the accompanying drawings (as amended No 065.P.L.03.A) subject to the following conditions:-

i. the development hereby approved shall be begun not later than 5 years from the date of this letter, and

ii. a scheme of sound insulation between dwellings shall be agreed in writing with the Council before the work commences on the conversion.

10. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir  
Your obedient Servant

T R W ROBERTS RIBA DipTP MRTPI  
Inspector

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



## DACORUM BOROUGH COUNCIL

To Morrehart Homes Ltd  
25 Queensway  
Hemel Hempstead

Paul Burdess - Architect  
31 Ringshall  
Berkhamsted

....Conversion of dwelling to two flats .....
.....
at 1 Myrtle 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 dated .....17 December 1986..... and received with sufficient particulars on .....18 December 1986..... 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 proposal would result in the introduction of a form and density of housing at variance with the general pattern of development in Myrtle Green proving detrimental to the character of the area.
2. The development would give rise to increased activity within the site leading to a general reduction in amenity standards of adjoining and nearby properties.
3. The proposed external staircase would prove injurious to the visual amenity of the area.

Dated .....5..... day of .....February..... 19 87...

Signed.....*W. B. B. B. B.*.....

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.