

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD

Mr J Clough
18 Gravel Path
Berkhamsted
To Herts

Fuller Hall & Foulsham
81A Marlowes
Hemel Hempstead
Herts HP1 1LF

Eight Elderly Persons' Flats and Car Parking

at ... 18 Gravel Path, Berkhamsted, 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 dated .. 21.9.89 and received with sufficient particulars on 31.10.89 and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:—

1. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.
2. The proposal represents a gross overdevelopment of this prominent Corner site which cannot satisfactorily accommodate the necessary vehicle parking facilities together with some satisfactory provision of open amenity space for use by residents.
3. The proposed development, by reason of south-west facing windows would cause overlooking and an undue loss of privacy to occupants of adjacent dwellings.

Dated ... First day of February 19 90

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.



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

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PLANNING DEPARTMENT 319	
DACORUM BOROUGH COUNCIL	
Direct Line	0272 218927
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GTN	1374
Received	23 JUN 1990
Comments	Your Reference: 4115 Our Reference: T/APP/A1910/A/90/152864/P3

Date: 27 JUN 90

Fuller Hall & Foulsham
81a Marlowes
HEMEL HEMPSTEAD
Herts
HP1 1LF

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR J H CLOUGH
APPLICATION NO: 4/1776/89

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for the demolition of an existing newsagent's shop/dwelling and garage for the construction of 8 sheltered flats at 18 Gravel Path, Berkhamsted. I have considered the written representations on these proposals made by you and the council, together with those of interested persons. I inspected the site on 12 June 1990.

2. From what I have seen and read I consider that there are 2 main issues in this appeal. The first is whether the proposals amount to an overdevelopment of the site with an attendant problem of overlooking. The second is whether the parking provision shown is likely to be adequate for the life of the building.

3. Dealing with the first main issue, the site is close to, but not included in, the Berkhamsted Conservation Area. Nevertheless, I saw that the area south of the railway bridge in Gravel Path has a characteristic form of development with 2-storey buildings of pleasing character. As the council say, they have a modest scale. Your design goes to some lengths to vary its height and bulk on this sloping site. Nevertheless, what I saw on my site visit convinces me that the effect of building your present scheme on a prominent corner site would be to destroy the homogeneity of a well-integrated and attractive street scene.

4. Despite the absence of formal protection for individual buildings or groups of buildings in Gravel Path, I believe that this local character is of sufficiently high environmental quality to merit refusal of new development, like this, which is of seriously unsympathetic scale. In coming to this conclusion I have borne in mind national policy about the necessity to refrain from over-subjective aesthetic control. Also, from what I saw on my visit, I agree with the council's view that



the present design would result in a seriously objectionable degree of overlooking, from a short distance, of gardens south-west of the proposed building in Gravel Path.

5. Turning to my second main issue, I note that the council introduced non-statutory, interim parking guidelines in October 1989, and that they hope to incorporate these into the Borough Local Plan Review. Under these standards they calculate that a development of this size would require 10 parking spaces if considered as a Category 1 scheme for the more active elderly. If as, you maintain, this should be considered as a Category 2 scheme for the less active elderly, the council requirement is 8 spaces. Your scheme provides 5 spaces.

6. I accept that your client intends that the building should be operated by the Hanover Housing Association and accommodate the less active elderly. Nevertheless, as the council say, the site is not close to the main shopping area of the town and the scheme has no common room facilities. The parking provision has to be considered in the context of the building remaining for many years to come, with possible changes of ownership which could affect the type of residents living there. I can see no reason to justify the building having less than the council's up to date standards for the less active elderly, especially as the local area already has a large number of dwellings without off-street parking.

7. I conclude that your client's appeal fails both on account of the unsympathetic size of the new building and the deficiency in parking provision. I have taken into account all other matters raised in the representations, but they do not outweigh the planning considerations that have led to my decision.

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

I am Gentlemen
Your obedient Servant



C J HOILE MA(Oxon) DipTP MRTPI
Inspector