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C/763/WP/P

Department of the Environment and
Department of Transport

Common Services

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CHIEF EXECUTIVE
OFFICER

7 APR 1989

File Ref.
Refer to *efo 7/10*
Cleared



PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

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Ref.					Ack.	
Mr K J M Todd AMIA	S.P.A.	Architectural	D.S.	PG	Admin.	File
"Hideaway"						
Caddington Common	7 APR 1989					
Markyate	Received					Our reference
ST ALBANS						T/APP/A1910/A/88/104046/P2
Herts AL3 8QF	Comments					Date

Our reference

T/APP/A1910/A/88/104046/P2

Date

5 APR 89

JEB
2/BN
3/RS

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY BUDEN DEVELOPMENTS
APPLICATION NO: 4/1810/87

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum District Council to refuse outline planning permission for the erection of 2 dwellings to the rear of 109 High Street, Markyate. I have considered the written representations made by you and by the Council and also those made by the Parish Council and interested persons. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 16 March 1989.
2. In the absence of the local planning authority representative and having waited some 20 minutes, I asked you to leave and, with your permission, conducted the site visit unaccompanied.
3. From my inspection of the site and its surroundings, and the representations made, I am of the opinion that the main issues are:
 - a. whether the access is unsuitable for serving the proposed development;
 - b. whether the proposal would be detrimental to nearby residents in terms of loss of privacy, and whether the proposed houses themselves would have inadequate privacy.
4. I note that in regard to the first Reason for Refusal relating to policy matters, the Council has adopted a less restrictive approach to housing development in Markyate, as set out in their letter of 27 October 1988. On the basis of this new approach, I consider there is no policy objection to the appeal proposals.
5. As regards the access to the appeal site I note that there is no objection raised by the Highway Authority. I also observed at my site visit that this access presently serves 6 garages, 3 of which are on the appeal site, as well as some 3 other garages along its length, a modern house and the rear of a property fronting High Street.
6. I share the Council's concern in regard to the suitability of the access to serve the appeal development. It is tortuous in alignment and very narrow at one point along its length. I consider that serving the appeal dwelling with large vehicles such as for refuse collection would be difficult and I would question if a fire appliance could reach the new dwellings. Furthermore, I am of the opinion that the

new dwelling to the south-east of the main part of the appeal site could suffer from noise and disturbance from the use of the access as proposed.

7. Your submission is that the access already serves the 6 garages, of which 3 are on the appeal site, and that the proposals provide for the removal of 2 of these garages and the utilization of one to serve one of the appeal dwellings. While I accept that in purely numerical terms the appeal proposals would result in the reduction in the number of garages by 2, the actual reduction would be one since a parking space is proposed for one of the new houses. I am of the opinion that the proposed houses could generate a higher level of traffic movements than the existing garages but more significantly, would generate service traffic, the problems of which have already been referred to.

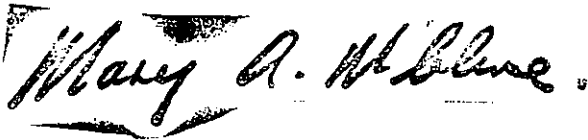
8. I therefore am of the opinion that the access is inadequate in its alignment and width to serve the proposed dwellings and its increased use would give rise to noise and disturbance to the new dwelling to the south-east of the main part of the appeal site.

9. I turn now to the question of possible loss of privacy to existing dwellings, and the level of privacy which would be enjoyed by the appeal houses.

10. I do not consider that dwellings fronting High Street would experience a loss of privacy from the appeal proposals. However, the appeal houses would overlook the existing houses on the opposite side of the public footpath. Equally, the most northerly of the appeal houses would be overlooked by these existing properties. This situation, would, in my opinion, result in a loss of privacy to both the existing houses and the proposed house. I accept that people walking along the footpath pass in front of the existing dwellings, but the loss of privacy from a pedestrian moving past the frontage is not, in my view as great as would be the case from having habitable room windows directly facing each other. I am therefore satisfied that the appeal proposals would result in a loss of privacy to existing houses and that the most northerly of the appeal dwellings would itself have inadequate privacy.

11. I have taken into account all the other matters raised but they are not sufficient to override the conditions that have led to my conclusions. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant



MARY A McCLUNE DiPTP MRTPI
Inspector



DACORUM BOROUGH COUNCIL

To Buden Developments,
28 Dunstable Road,
Tilsworth,
Beds.

K. Todd, Esq.,
26 First Avenue,
Dunstable,
Beds.

..... Two Dwellings (Outline)
.....
at Rear of 109 High Street, Markyate, 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 24. November 1987 and received with sufficient particulars on 25. January 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 development is not supported by evidence of local need sufficient to satisfy Policies 4 and 5 of the Dacorum District Plan.
2. The access is unsatisfactory and unsuitable for servicing the proposed dwellings.
3. The proposal is an undesirable form of backland development which, if permitted, would result in overlooking of and loss of privacy to adjoining residents and inadequate levels of privacy for potential occupants of the proposed houses.

Dated 17th day of March 19 88

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

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.