

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To E J Waterhouse & Sons
Kings Works
Chipperfield
Herts

Derek Phillips Associates
24 High Street
Bovingdon
Herts

..... Nine one-bedroom flats and car parking.....
.....
at ... 10 St Johns 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 dated 27.11.87 and received with sufficient particulars on 27.11.87 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 excessive on a site which is inadequate to accommodate satisfactorily the proposal together with the necessary amenities and vehicle parking facilities and would, if permitted, prove severely injurious to the general character and amenity of the area.
- (2) The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of 8 St Johns Road.
- (3) The proposed development, due to its height, mass and design, is unsympathetic to the character of adjacent and nearby development and by reason of its prominent location would be detrimental to the amenities of surrounding properties and the environment of the locality.

Dated 4th day of February 1988 ..

Signed..... *Wm Barnard*

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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**CHIEF EXECUTIVE
OFFICER**

12 AUG 1988

File No.
Refer to *CHO 12/8*
Cleared

1/2/88
2/88
3/88
Derek Phillips Associates
24, High Street
BOVINGDON
Herts
HP3 0HN

Your Reference:

26245

A 368

Our Reference: DACORUM DISTRICT COUNCIL
T/APP/A1910/A/88/090692/P3

Date:

PLANNING DEPARTMENT		Ack.	
Our Reference: DACORUM DISTRICT COUNCIL			
T/APP/A1910/A/88/090692/P3			
12 AUG 88	D.C.	B.C.	Admin. File
Received 12 AUG 1988			
Comments 9			

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY E J WATERHOUSE AND SONS LTD
APPLICATION NO 4/1816/87

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for nine one-bedroom flats and car parking at 10, St John's Road, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 26 July 1988.
2. From my consideration of the written representations and my visit to the appeal site and its surroundings, the principal issues in this case are in my opinion whether the development proposed would be too great for this restricted site, out of character with its surroundings or seriously damaging to the privacy and amenity of the occupiers of adjoining houses.
3. No 10 is a substantial Nineteenth Century house at the corner of St John's Road and Park Road, facing across St John's Road to the open space of Boxmoor Common. St John's Road is on the edge of the town centre of Hemel Hempstead, the closely spaced buildings to the east of the appeal site including a pair of large semi-detached houses immediately adjoining, with the Boxmoor Hall beyond and at the corner of Lotterells the Heath Park Public House. The frontage to the Common to the west of Park Road is occupied by the Dacorum Leisure Centre, well set back and also occupying the southern part of the western side of Park Road. Adjoining the appeal site on the eastern side of Park Road is a pair of modern semi-detached houses.
4. No 10 is now vacant but was last used as a clinic. It is on two main floors, but has also an attic floor and a basement. A single storey garage fills the space between the western side of the house and Park Road. Windows in the present building look across the small rear garden to the flank of the adjoining house No 71 Park Road and from the side towards No 8 St John's Road. The house in Park Road has no significant windows facing towards No 10, but No 8 has windows in the flank towards No 10 at basement level, which it appears may become a flat, at ground floor lighting the kitchen and living room, at first floor lighting the bathroom and on the second floor to a bedroom.
5. The proposal is the erection of a three storey block of nine one-bedroom flats, the top floor being largely contained within the space of the steeply pitched roof. The building would be a little higher and closer to St John's Road than the present house, and angled slightly to the present frontage line. It would also be closer to Park Road than the taller part of the present house and considerably wider, but although appreciably closer to the flank of No 8 and a little nearer to the road, the flank wall would be a little lower and less deep than that of the present house.

6. There would appear to be no objection to the residential development, or to the provision of the smaller units of accommodation on a site so close to the town centre and its facilities. The necessary car parking for this relatively dense development would, as the council points out, take up most of the available land to the north of the building, leaving very little amenity space within the site for the use and enjoyment of the occupiers, although I see some compensation for this in the availability of the extensive common opposite, providing an attractive outlook and recreational opportunities. This corner position, at the western end of a row of quite substantial buildings and with the Leisure Centre on the opposite corner, requires a building of appropriate height and scale, and I see no objection in general to the design proposed.

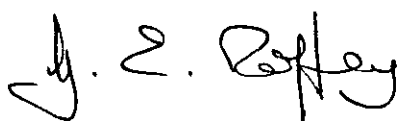
7. In relation to the adjoining house in Park Road, it would seem unlikely that any more serious loss of privacy would occur from the development than from the existing house, although some of the kitchens and secondary living room windows would look in that direction. There is a measure of screening of the garden by the fence and from the position of the house, but the rear gardens of all the neighbouring houses are substantially overlooked and dominated by the nearby tower of the Kodak Building. A more serious potential danger to the amenity of the house is the car parking that would abut the common boundary immediately beside the house, and this I consider could give rise to disturbance, particularly late in the evening and early in the morning.

8. No 8 St John's Road would largely be protected from overlooking by the design and by the presence of a tall evergreen hedge on the boundary, which it would appear could be kept and is shown to be kept in the design. The house could, however, suffer from disturbance from the use of the car park in the same way as No 71 Park Road. The design has clearly been carefully worked out to ensure that at the rear the light reaching the windows in the flank is not significantly reduced, but by bringing the new building closer to the boundary and siting it further forward, the light from the southerly aspect to the front would be lessened, and in particular what useful sunlight now reaches those windows, the only windows in the rooms affected, would be curtailed.

9. It is my view that although the proposal has much to commend it, as it stands these effects on the adjoining properties are too severe for it to be accepted. The difficulties that I see as likely to arise for the residential occupiers whose houses adjoin suggest to me that the proposal is overloading the site in terms of the bulk building and the car parking demands it is creating. The council was I consider right in its view that planning permission should be refused, and while I have taken into consideration all other matters raised in the representations, I am led to no other conclusion.

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

I am Gentlemen
Your obedient Servant



G E ROFFEY MSc(Econ) DipTP MRTPI
Inspector