

Appeal Decision

Site visit made on 06 September 2000

by David Metcalfe DipTP-ERTPI

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

ED	BP	DC	BC	SS
Rec'd. 14 SEP 2000				
Comments:				

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
Tel 0117 987 8927

Date

13 SEP 2000

Appeal Ref: APP/A1910/A/00/1046471

Little Heath Cottage, Sheethanger Lane, Felden.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs E R Smith against the decision of Dacorum Borough Council.
- The application (ref: 4/01861/99/FUL), dated 25th October 1999, was refused by notice dated 16th March 2000.
- The development proposed is described as the demolition of house and erection of 2 No. 5 bedroom houses.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The proposal relates to an amended layout plan numbered 723 01B which set back house B and re-aligned the access road to house B.

Planning Policy

2. The policy framework against which this appeal must be assessed is contained within the Hertfordshire County Structure Plan and the adopted Dacorum Borough Local Plan (LP). The later plan is under review but Policy 7 of the adopted plan seeks to encourage residential development within residential areas such as that within which the appeal site is located. There is therefore, no in principle objection to residential development.
3. However, Policy 8 of the LP sets out those matters of detail that must be satisfactory for development to be permitted. These include the layout of the development, the relationship with adjoining properties and ensuring that the general character of the area is respected. In this case there is concern about these matters. In addition the appeal site falls within character area HCA5 of the emerging LP which highlights the main characteristics of the area and the resulting very high quality of the local environment.

Main Issues

4. Accordingly, the main issues in this case relate to the impact of the proposal on the visual and general amenities of the area and whether a satisfactory relationship would exist between the proposed new dwellings having regard to the proposed layout and the established character of the area.

Reasons

5. The appeal site is clearly located in an attractive, landscaped and spacious residential area. Properties are generally substantial in size as are the plots and gardens. The property to be demolished is a relatively small dwelling compared with the other dwellings in the

immediate area. The considerable garden area of the appeal site is both attractive and secluded. It extends some 120 metres in length from Sheethanger Lane but is less than 20 metres in width.

6. This means that any development of the plot in depth would result in a form of development that would appear unduly constrained and inconsistent with the established character of the surrounding properties. This feature of the proposal would be further emphasised by the substantial size of the proposed dwellings. House B would be particularly poorly placed. It would be very close to the side boundaries of the site and these conditions would not provide the feeling of spaciousness or quality of environment that is prevalent within this residential area as a whole. Accordingly, I am firmly of the view that the proposal, certainly in respect of house B, would be unsatisfactory and lead to a cramped form of development inconsistent with the established character of the area.
7. Moreover, the long driveway to house B would accentuate these unsatisfactory features of the proposal even further. The drive would also impinge in a significant way on the privacy of the occupants of house A and its garden area – by the comings and goings of residents, visitors and service vehicles – thus reducing the level of amenity that residents of this dwelling could reasonably expect within such a high quality residential area.
8. I appreciate that the existing dwelling may not be convenient for an elderly couple or a small family although I have no doubt that some may not view the dwelling in the same way. Also I understand that the garden would require a considerable effort to maintain but again, many residents clearly are faced with the same problem and find it an acceptable part of their every day living.
9. The type of dwellings proposed is not in dispute and retaining the tree and shrub planting, especially around the boundaries of the garden, would ensure that any overlooking between adjoining dwellings would be minimal. However, the proposal would have a harmful effect upon the spacious character of the area and fail to achieve a satisfactory relationship between the two new dwellings. Accordingly I find none of these matters, either individually or collectively, to be of sufficient weight to justify permitting a proposal that would be contrary to adopted and emerging policy objectives for this residential area.

Conclusions

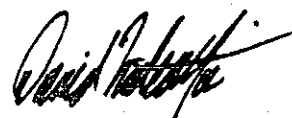
10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

11. In exercise of the powers transferred to me, I dismiss the appeal.

Information

12. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.



Inspector

**Dacorum Borough Council
Planning Department**

**Civic Centre Marlowes
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**MR & MRS E R SMITH
LITTLE HEATH COTTAGE
SHEETHANGER LANE
FELDEN, HEMEL HEMPSTEAD
HERTS
HP3 0BG**

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01861/99/FUL

**LITTLE HEATH COTTAGE, SHEETHANGER LANE, FELDEN, HEMEL
HEMPSTEAD, HERTS, HP3 0BG
DEMOLITION OF HOUSE AND CONSTRUCTION OF 2 FIVE BEDROOM HOUSES**

**Your application for full planning permission dated 25 October 1999 and received on
27 October 1999 has been REFUSED, for the reasons set out overleaf.**



Director of Planning

Date of Decision: 16 March 2000

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01861/99/FUL

Date of Decision: 16 March 2000

- 1. The proposal represents an undesirable form of two tier back land development. The dwelling within the site would be served by a long and narrow means of access passing through the curtilage of the frontage dwelling, such that the two dwellings would be sited in poor relationship with one another.**
- 2. The proposed development would appear cramped and out of character with the generally spacious nature of the local area, because of the narrowness of the site and the layout of the site. Such a development would have an adverse effect on the visual and general amenities of the area.**

**NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER**