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Common Services

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Mr D M A Mahon
12 St Margaret's Close
BERKHAMSTED

CHIEF EXECUTIVE
OFFICER

11 JUL 1988

File Ref.

Refer to CPO

Clea. no. 117

Your reference

Our reference
T/APP/A1910/A/87/87220/P5

Date
-7 JUL 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/1872/87

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum Borough Council to refuse planning permission for first floor side extension at 12 St Margaret's Close, Berkhamsted. I have considered the written representations made by you and by the borough council, and also those made by the town council and an interested person. I inspected the site on Tuesday, 14 June 1988.
2. From my inspection of the appeal site and the surrounding area, and bearing in mind the representations made, I consider that the main issue is whether the proposed development would noticeably harm the residential character and appearance of St Margaret's Close.
3. St Margaret's Close is a cul-de-sac off Swing Gate Lane and is developed by semi-detached dwellings. Along the northern side, where the appeal premises are situated, the land falls away, and on the opposite side the houses are on higher ground.
4. The regular pattern of development is more pronounced along the northern side with houses built along practically the same building line; although the road curves very slightly from No 11 (adjoining the appeal premises) and No 13 is about a metre in front of No 12.
5. The gaps between dwellings I think contribute to an uncrowded appearance of the development in St Margaret's Close; and for the proposed extension not to seriously affect the appearance it would be necessary for the front to be set back 1 m from the first floor front wall. Also the extension should be built in facing bricks throughout, to match those on the rest of the house. The set back and use of facing bricks rather than rendering would avoid the appearance of a long continuation of Nos 11/12; and the extension with its lower ridge line than that of Nos 11/12, would look more of an ancillary addition and as such would not in my view noticeably harm the location and appearance of St Margaret's Close.
6. I noticed that the extension of No 21 had been set back; and it had the advantage of change in building lines and higher ground so that the closing up of buildings, particularly at first floor level, was not so very apparent. On the northern side where the land falls away, and there is a regularity of building, the gaps appear narrower than those on the opposite side of the road. However with the



RECYCLED PAPER

slight curve in the road, the fact that No 13 is a metre in front of No 12 and particularly if the extension is set back a metre in single brickwork, it will I think quietly fit in without seriously disturbing the overall pattern of development.

7. I have also considered the other matters raised in representations, but the considerations that have led me to my decision are not outweighed by these other matters.

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for first floor side extension at 12 St Margaret's Close, Berkhamsted in accordance with the terms of the application (No 4/1872/87) dated 7 December 1987 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. all the external walls of the extension should be built in facing bricks to match those of the house;
3. the front of the extension shall be set back 1 m from the first floor front main wall of the house.

9. 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



C C EYRES FRTPi FLandInst
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To D Mahon
12 St Margarets Close
Berkhamsted

B Johnson
13 Deans Furlong
Tring

First floor side extension
.....
.....
at 12 St Margarets Close, Berkhamsted
.....
.....

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 7 December 1987 and received with sufficient particulars on 7 December 1987 and shown on the plan(s) accompanying such application..

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

The proposed development, by reason of its size and close proximity to the common boundary with No 13 St Margarets Close, would represent overdevelopment of this particular site, establishing a cramped form of development between nos 12 and 13, and setting a precedent for similar extensions, resulting in a terracing effect which would detract from the character of the area and affect adversely visual and general amenities.

Dated 28th day of JANUARY 1988

Signed..... *Wm Bama*

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.