

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr R Brooks
3 Mansion House Farm
Abbots Langley
Herts

Richard I Onslow
The Old School
Soulbury
Leighton Buzzard
Beds

Erection of 8 One Bedroom Residential Units
at 6 Alston 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 9.12.87 and received with sufficient particulars on 10.12.87 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 amenity space and vehicle parking facilities and would if permitted, prove injurious to the general character and amenity of the area.
2. The proposed development would have a detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated Fourth day of February 1988.

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 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.



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CHIEF EXECUTIVE
OFFICER

12 AUG 1988

File no. *20 2/8*
Refer to *20 2/8*
Cleared

Mr Richard I Onslow
The Old School
High Road
SOULBURY
Nr LEIGHTON BUZZARD
Bedfordshire

Your Reference:

R10/SM/338

Our Reference:

T/APP/A1910/A/88/090145/P3

Date:

11 AUG 88
DISTRICT COUNCIL

26246

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR ROBERT BROOKS
APPLICATION NO 4/1894/87

12 AUG 1988

Comments

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~~ Borough Council to refuse planning permission for the erection of 8 one-bedroom residential units at 6, Alston Road, Boxmoor, 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 proposal would represent an overdevelopment of the site out of character with the area and seriously detrimental to the privacy and amenity of the occupiers of neighbouring dwellings.
3. The appeal site is of irregular but broadly rectangular shape about 0.1 ha in extent, situated on the south side of Alston Road, with the rear gardens of houses in Sebright Road adjoining to the west and south and of houses in Puller Road to the east. The area is residential, predominantly made up of older terraced houses with more recent bungalows and houses to the west and north.
4. The appeal site is at present vacant, although it appears a bungalow once occupied the greater part of the site, with small additions having been made subsequently from neighbouring gardens. Planning permission has been granted for the erection of two bungalows, but your client's proposal is the erection of 8 one-bedroom units arranged in two blocks, one behind the other, the access to the second block and the car park in between by an arch under the front block, which rises to three floors at that point.
5. I looked carefully at the area and I noted that as well as larger houses it includes many small terraced houses and a number of converted and purpose-built flats, in some instances on sites developed in depth, of a sort that often appeal to the first time buyer, the market at which you indicate the dwellings proposed would be directed. Alston Road and the immediate neighbourhood are, however, predominantly of frontage development, of larger dwellings in more spacious surroundings. To this extent the proposal would give a form of development very different in its general character and its intensity of use of the site to other development in its vicinity.
6. A difference of building form is not in itself necessarily a ground for objection and in this instance the layout and the design of the scheme of development has clearly been carefully considered, to reduce mutual overlooking or undue disturbance within the scheme and to some extent to avoid these problems in relation to the



neighbouring dwellings. The council, although criticising the closeness of the blocks to one another, appears to accept that for a high density scheme of small dwellings a larger area of amenity space would be available than is often the case. Nevertheless, the result would be to bring the blocks very close to the boundaries of the neighbouring houses, not only on the frontage but in the depth of the site. The proposal would also introduce traffic into the depth of the site. Both are features not normally associated with the frontage development that is general in the immediate surroundings and it is in these features that the conflict between the two different forms of development becomes marked.

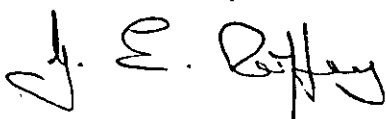
7. The blocks would be some 25 m from the backs of the Sebright Road houses and some 35 m from those in Pullen Road. There are a number of trees on the boundaries that would provide some screening, but not sufficient in my view to avoid a real impression of intrusion and a loss of privacy for those whose houses and gardens adjoin, or to reduce the impact of vehicular noise and disturbance, particularly if it were to occur late in the evening or early in the morning.

8. A particular source of concern to local people is the proposed staircase and balcony giving access to part of the upper floors of the front block. This rises on the boundary of the adjacent garden. You have indicated that a screen would be provided to prevent overlooking of the neighbouring gardens, which does not appear on the submitted drawing, but while overcoming all or most of the overlooking, this might also make the staircase appear substantially larger and more obtrusive.

9. Taking these factors together, the scheme would I consider be likely to have an impact on those living nearby that would be seriously detrimental to aspects of the amenity of their houses and gardens they could reasonably expect to be respected when neighbouring development takes place. I have taken into account all other matters raised in the representations, but find in the nothing sufficient to lead me to any other conclusion than that the proposal should not be accepted.

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

I am Sir
Your obedient Servant



G E ROFFEY MSc(Econ) DipTP MRTPI
Inspector