

DACORUM BOROUGH COUNCIL

To Mr K Hollingdale & Mr J Dick
Nos: 2 and 4 Murray Road
Berkhamsted
Herts.

Mr A J Mole FRIBA
Broadmead
Station Road
Tring, herts.

.....One Dwelling (Outline).....
.....
at Rear of 2 and 4 Murray Road
.....
.....Berkhamsted, 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 dated27.10.88..... and received with sufficient particulars on26.10.88..... 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 proposal represents an undesirable form of two-tier backland development being served by a long and narrow means of access passing through the curtilage of an existing dwelling. Such development would place an unwarranted burden on the various services and also result in a loss of amenity and privacy to the existing dwellings in Murray Road, arising from the use of the accessway.
2. The topography of the site is such that there would be an unsatisfactory relationship between the new dwelling and existing houses in the locality resulting in an unacceptable degree of overlooking and consequential loss of privacy to the occupants.

Dated FIFTH day of ... DECEMBER 1988

Signed..... *[Signature]*

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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Department of the Environment

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D.C.				Admin.		Date	
2 NOV 1989						31 OCT 89	
Comments							

BOURNE COUNCIL Your reference
Ack. 8733/1
Reference
/APP/A19.10/A/89/124616/P7

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR K HOLLINGDALE AND MR J DICK
APPLICATION NO: 4/1967/88

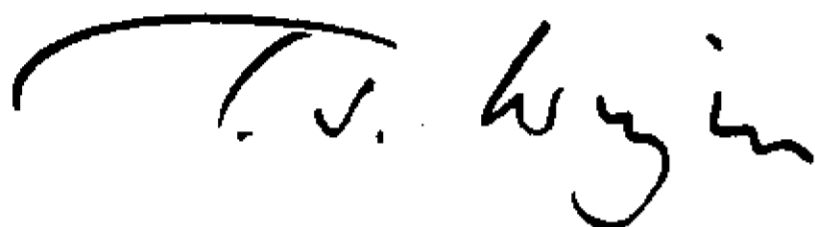
1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of Dacorum Borough Council to refuse outline planning permission for a new dwelling and garage at the rear of 2 and 4 Murray Road, Berkhamstead. I have considered the written representations made by you and by the Council and also those made by interested persons, including those made directly to the Council which have been forwarded to me. I inspected the site on 6 October 1989.
2. The appeal relates to a largely triangular site of about 0.13 ha which mainly forms part of the rear gardens of the detached houses at 2 and 4 Murray Road which lie to the north-west. The site includes a narrow strip of land running between these 2 houses within the curtilage of No 2, which would provide access to Murray Road. To the north-east runs a wide public footpath, and to the south lie detached houses in Castle Hill Avenue. The site falls quite steeply from north-west to south-east.
3. Your application is accompanied by a layout plan showing details of the siting of a 2 storey dwelling of 162 m². Although it is not clear from your application whether these details form part of it, you have confirmed that the layout is illustrative only and I am therefore dealing with your appeal on the basis that all matters of detail, apart from the position of the access are reserved for subsequent approval.
4. Having inspected the site and the surrounding area and considered the representations submitted, I am of the opinion that the main issue in this case is whether the appeal proposal would materially harm the amenities of adjoining residents.
5. There is no dispute in this case that the appeal site is large enough to accommodate one dwelling whilst leaving adequate rear garden space for 2 and 4 Murray Road. However, the main part of the site would be about 37 m from the highway and it therefore seems inevitable to me that the narrow access way proposed would be used by most service vehicles as well as those of other visitors and the residents of the new house. In my opinion, the noise and disturbance arising from these vehicle movements between the residual rear gardens of 2 and 4 Murray Road would be more intrusive to the occupiers of these properties than may reasonably be expected in this quiet residential area. I appreciate that these houses are presently occupied by your clients but I have to consider the amenities of future occupiers also in the public interest.
6. With regard to the visual impact of the proposal on adjoining residents, in view of the triangular shape of the site, it seems to me that the proposed

dwelling would have to be sited closer to the rear garden boundaries of both 2 and 4 Murray Road and 30-34 Castle Hill Avenue than is typical of relationships between properties in this area. I consider that the relationship with 2 and 4 Murray Road need not be unacceptable in view of the fall of the land but on the other hand, the site rises significantly above the level of the Castle Hill Avenue properties. Although there is a beech hedge and some mainly deciduous trees along the southern boundary of the site, I judge that, even if the proposed dwelling took the form of a bungalow and the windows were arranged to minimise overlooking, it is likely to appear unacceptably intrusive on the hillside when viewed from 30-34 Castle Hill Avenue when this planting is not in leaf.

7. In view of the foregoing considerations I conclude that the development would cause material harm to the amenities of adjoining residents. I have taken into account all the other points raised in the representations, none of which causes me to alter this conclusion.

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

I am Sir
Your obedient Servant



T J WRIGHT ARICS
Inspector