

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



**DACORUM BOROUGH COUNCIL**

DD

To Mr A Gowland  
3 Meadow Way  
Hemel Hempstead  
Herts

Mr D Clarke  
47 Gravel Lane  
Hemel Hempstead  
Herts

..... Redevelopment to form 8 One Bedroom Flats .....  
.....  
at 27 Hillfield 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 ..... 27.10.88 ..... and received with sufficient particulars on ..... 31.10.88 ..... 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 proposed development is excessive and out of character with the general pattern of development in Hillfield Road and would, if permitted, prove unneighbourly and injurious to the general amenities of the adjacent properties and the area as a whole.
- (2) Access to the proposed development is inadequate for the additional traffic that would be generated and the car parking layout does not meet the design standards required by the local planning authority.

Dated ..... Fifteenth ..... day of ... December ..... 19 88

Signed..... *Wm Bamford* .....

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**

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ  
 Telex 449321

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PLANNING DEPARTMENT DACCUM BOROUGH COUNCIL		Direct-Line 0272-218 Switchboard 0272-218811 GTN 1374	927 CHIEF EXECUTIVE OFFICER 3 OCT 1989																					
Mr D Clarke 47 Gravel Lane Boxmoor HEMEL HEMPSTEAD Herts HP1 1SA	<table border="1"> <tr> <th>Ref.</th> <th colspan="4">ACK.</th> <th>Your reference</th> <th>File no.</th> </tr> <tr> <td>C.P.O.</td> <td>T.C.P.M.</td> <td>D.P.</td> <td>D.C.</td> <td>B.C.</td> <td>Admin.</td> <td>File</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	Ref.	ACK.				Your reference	File no.	C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File								88166 Our reference T/APP/A/1910/A/89/113762/P4 Date	File no. .... Refer to <i>Cl. 3/10</i> Cleared 29 SEP 89
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Comments																								

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY MR A GOWLAND  
 APPLICATION NO:- 4/1994/88

- 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 8 flats to replace an existing dwelling at 27 Hillfield Road, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 27 June 1989.
- It was confirmed at the site inspection that the appeal relates to the scheme refused by the Council under application No 4/1994/88 ie drawings 88166/1 and 88166/2. Those refused subsequently shown on drawings 88166/3 and 88166/4 are not the subject of this appeal and I shall make no comment on them.
- Hillfield Road is a road of substantial inter-war houses and bungalows set in large gardens. They appear to be in single family occupation. The road itself falls steeply from east to west towards the town centre. The overall appearance is one of mature houses and gardens.
- The appeal site is that of a large bungalow, now partly demolished. It is bounded on either side by a detached house and a detached bungalow, the former being on higher ground to the east and the latter being on lower ground to the west.
- From my inspection of the appeal site and its surroundings and my consideration of the representations made, I am of the opinion that the main issue concerns the suitability of the site for a development of the size and type proposed, having regard to the character of the area, the amenities of nearby residents and the need to provide adequate vehicular access and parking facilities.
- You say that properties in Hillfield Road are of a varied nature. Though of varied design, I found them to have the common characteristic of single family dwellings - mainly houses and some bungalows. Your proposal would replace one bungalow with 8 small units of accommodation where mature gardens, front and rear, would be used in whole or part respectively to provide car parking. In my opinion this would have a detrimental effect on the character of the area and the street scene. In contrast parking provision at most dwellings in Hillfield Road, east of Alexandra Road forms generally an incidental part of their front garden area, where mature planting predominates. I accept that the front elevation of the flats would have much of the appearance of a large detached house, but the building would be



very deep - in excess of 12 m. Though you have not indicated the extent of the parking apron at the rear, I estimate that the total extent of building and parking areas, stretching across the whole of the width of the site for all practical purposes, would be in excess of 36 m. In my opinion this would be alien to the general character of this part of Hillfield Road.

7. In view of the depth of the proposed block of flats and its siting, well behind the established building line, the rear part of the building would extend substantially further down the rear garden than its neighbours. In my opinion the increase in bulk of the proposal over that of the former bungalow would have an overpowering effect on neighbouring properties, particularly on the bungalow lower down the hill at 27A Hillfield Road. First floor windows would overlook their gardens and I consider that the degree of overlooking, from the kitchen windows in particular, would unacceptably invade their privacy. The location of 4 parking spaces and attendant access and manoeuvring areas would, in addition, further invade the privacy and quiet enjoyment of these rear gardens by their occupants.

8. I note that sufficient parking spaces would be provided to meet the Council's requirements. While the parking spaces themselves are shown to be of generous proportions the access to them, both front and rear is considered by the Council to be substandard. I consider that the single lane access to the rear car park would be adequate but that some of the front spaces may prove difficult to access as the Council fears, due to the substandard width of the manoeuvring space. This could lead to reversing onto Hillfield Road but I consider the 2 access points to be satisfactory. However, in my opinion, the parking provision would have an unacceptable effect on the character of the area and on the amenity of adjoining residents for the reasons stated in preceding paragraphs.

9. I consider that too many flats are proposed. The scheme does not satisfy several of the requirements (surroundings, privacy, landscape, quiet) listed in Policy 66 of the Dacorum District Plan. I conclude that it would be an over-development of the site, causing severe and unacceptable detriment to the character of the area and the amenities nearby residents can expect to enjoy.

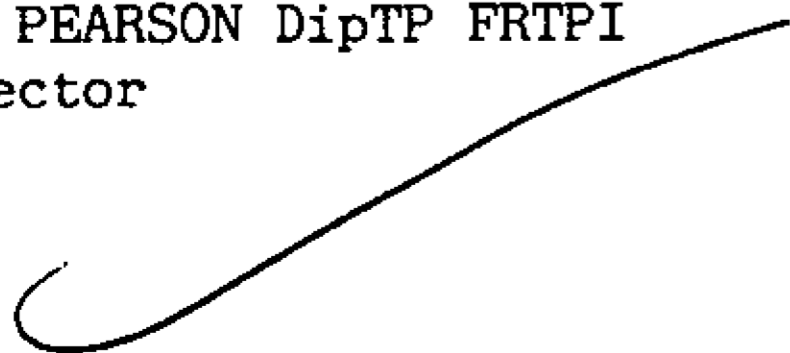
10. I have had regard to the material points raised by many local residents objecting to your proposal, and have taken into account all other representations made, including references to other flats approved at 10 Hillfield Road and elsewhere in Hemel Hempstead, but none are so cogent as to alter my decision. I am unaware of the circumstances leading to the approval of these schemes and have considered your client's appeal on its own merits.

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

I am Sir  
Your obedient Servant



ERIC PEARSON DipTP FRTPI  
Inspector



RECOMMENDATION - That planning permission be REFUSED ✓ (on form DC4) for the following reason:

- ① The proposed development is excessive and out of character with the general pattern of development in Hillfield Road and would, if permitted, prove unneighbourly and injurious to the general amenities of the adjacent properties and the area as a whole.
- (2) Access to the proposed development is inadequate for the additional traffic that would be generated and the car parking layout does not meet the design standards required by the local planning authority.