



Planning Inspectorate
Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927
 Switchboard 0272-218811
 GTN 1374

1/21
2)CB

Johnson & Partners Architects & Building Surveyors 39a High Street HEMEL HEMPSTEAD Hertfordshire HP1 3AA	PLANNING DEPARTMENT					Your reference	
	DACORUM BOROUGH COUNCIL						
	Ref.	Ack. PCB/DD/1868				Our reference T/APP/A/910/A/90/156330/P5	
	C.P.O.	T.C.P.M.	D.P.	D.G.	B.C.		
Received 18 SEP 1990					17 SEP 90		
Comments							

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPEAL BY MR & MRS A F MANN
 APPLICATION NO: 4/2013/89

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This is against the decision of the Dacorum Borough Council to refuse outline planning permission for the erectin of 4 terraced houses and the demolition of an existing house and garage at 46 Ebberns Road, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by the Ebberns Road Residents Association and interested persons. I have also considered those representations made directly by other parties and interested persons to the Council which have been forwarded to me. I inspected the site on 22 August 1990.
2. From these representations and my inspection of the appeal site and surroundings I consider that the main issue in this case is whether the appeal proposal would be so out of character with its surroundings that it would cause significant visual harm.
3. The appeal application was made in outline but you submitted a plan showing a terrace of 4 houses on the appeal site. Although illustrative this plan gives what I consider is a reasonable picture of how the development would look if carried out and I have treated it as a general guide.
4. Ebberns Road is a fairly narrow residential street with mostly small terraced houses in it. However, the appeal property is a fairly large detached house and, to the west of it, is a bungalow. To the south the appeal house gardens slope down to the Grand Union Canal.
5. The frontage of the appeal site is about 20 m wide and its depth is approximately 37 m so it could easily accommodate the 4 terraced houses proposed. Your sketch shows the block set back from the road frontage so as to accommodate garage drives. This would be out of character with the appearance of Ebberns Road in the vicinity of No 46 since most of the houses nearby do not have any front drives. However, this would not, to my mind, amount to sufficient reason to justify dismissing the appeal even if the details of design had been a part of the appeal application.

6. The proposed terrace would be 2-storey at the front and 3 at the rear because of the drop in ground levels. There is an existing terrace of houses immediately to the east of the appeal site and, subject to the ridge height of the new terrace not being significantly higher than this, I do not consider that the new houses would be so overdominant or out of character as to cause serious visual harm to the surroundings.

7. The appeal site is screened from the canal and towpath by a hedge but even if it were not I do not consider that a terrace of the design indicated would have any adverse effect on the appearance and character of the canal side.

8. With regard to parking I note that the appeal scheme would comply with the Council's parking standards. The argument put forward on behalf of the Council and interested persons that parking space on the road would be displaced by the 4 new drives to the houses does not seem to me to be relevant because no driver has an absolute right to park on the highway anyway.

9. I have taken into account all the other matters raised but none of these has been of sufficient weight to deflect me from my overall conclusion. In my view a terrace of 4 dwellings like those shown on the illustrated drawings would not cause any significant visual harm to the area. Nor would there be any legitimate parking or highway problem caused. I propose to allow the appeal subject to conditions requiring the submission of details of siting, design and external appearance, the provision of garaging and car parking space and a limitation on the overall height of the building. In coming to this conclusion I have considered the list of draft conditions submitted on behalf of the Council but do not find all of these to be appropriate in the circumstances.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant outline planning permission for the erection of 4 terraced houses and the demolition of an existing house and garage at 46 Ebberns Road, Hemel Hempstead, in accordance with the terms of the application (No 4/2013/89) dated 5 December 1989 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;
2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
3. before the development hereby permitted is commenced details of the garage and parking spaces to be provided with the houses shall be submitted to and approved by the Council and these shall be provided before the dwellings are first occupied;
4. details submitted pursuant to condition 1a above shall indicate a total height for the building not more than 0.5 m higher than the height of the existing ridge of the terraced house at No 48 Ebberns Road, the height to be taken from the public footway level in Ebberns Road and the building hereby permitted shall be so constructed.

11. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission, has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of The Town and Country Planning Act 1990.

I am Gentlemen
Your obedient Servant

EB Williams

E B WILLIAMS DipTP ARICS MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr and Mrs A F Mann
28 Kingwell Road
Hadley Wood
Barnet EN4 OHY

Johnson & Partners
39a High Street
Hemel Hempstead
Herts HP1 3AA

Four dwellings (outline)
at 46 Ebberns Road, Hemel Hempstead

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 5 December 1989 and received with sufficient particulars on 12 December 1989 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 increase from one dwelling to four represents an overdevelopment of the site.
2. The increased traffic likely to be generated by the proposal would be a potential hazard to traffic in Ebberns Road because of this road's inadequate width and the amount and type of traffic already using it.
3. The proposal would provide a type of accommodation which would be out of character with and detrimental to the visual amenity of the surrounding area.

Dated First day of February 1990

Signed [Signature]

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 the date 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.