



Planning Inspectorate
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B/874/JL/P

D. D. H.
 2/10/89
 3) File

Messrs Johnson and Partners
 39a High Street
 HEMEL HEMPSTEAD
 Herts
 HP1 3AA

PLANNING DEPARTMENT						Your reference	
DACORUM BOROUGH COUNCIL						Our reference	
Plot	C.P.O.	T.C.P.N.	O.P.	O.C.	O.U.	ack.	Date
						adm. n.	File
						/APP/A1910A/90/158950/P8	
Received						12 OCT 1990	
Comments						11 OCT 90	

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6.
 APPEAL BY: MRS V E SNOXALL
 APPLICATION NO: 4/2026/89

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 demolition of 2 dwellings and the construction of 6 dwellings on land at 81 and 83 Green End 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 Wednesday 26 September 1990.
2. From my inspection of the site and surroundings and the representations made, I am of the opinion that the decision in this case is primarily dependent upon whether:-
 - i. the proposed development would be cramped upon its site in a manner whereby individual dwellings would lack appropriate amenity space, and the layout and character of the development would be out of keeping with the neighbourhood and harmful to its appearance and quality;
 - ii. the proposal would threaten the future life, health and appearance of the fine copper beech tree which stands near the south-eastern corner of the site and is included within a Tree Preservation Order.
3. The existing development in the immediate vicinity of the appeal site consists mainly of detached dwellings to the north, east and south, and semi-detached houses to the west adjoining the site in Bargrove Avenue. The layout of these dwellings is conventional with front gardens visible from the highway, and rear gardens with varying degrees of privacy. The proposal for a semi-detached house on plot 1 on the ground floor plan (your drawing No 1751/15) follows this garden arrangement, but the remaining 5 houses would be arranged around an internal car parking area accessible from a new entrance in the centre of the frontage to Bargrove Avenue.
4. The eastern flank wall of the house proposed on plot 2 would be about 0.3 m from the carriageway of the car park access road, and its only garden, apart from a 3.3 m wide area of paving and planting separating its southern entrance from the car park, would be an area of less than 25 sq m beside Bargrove Avenue, on the north side of a north facing living room. The house on plot 3 would be about one metre from the entrance drive at the back of a footpath. It would be similarly arranged to the house on plot 2, with less space between its southern entrance and the car

park, and less space between its north facing living room and Bargrove Avenue. The remaining 3 houses would have larger gardens on their eastern and southern sides, mainly between their living rooms and Green End Lane.

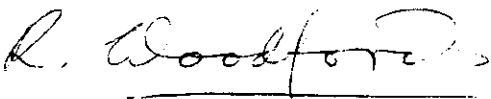
5. The houses on plots 2 and 3 would, in my opinion, be distinctly cramped on their sites and in relation to the adjoining road and car park. Their roadside gardens would be their only effective outdoor living space. They would lack privacy and with the adjoining living rooms, they would lack sunlight. In these respects they would be poor in themselves and out of keeping with the appearance and quality of existing dwellings in the vicinity. The use of the car park would increase the movement of vehicles near the eastern entrance to Bargrove Avenue and this, together with the arrangement of the houses around the internal car park where private garden areas would normally be, would to my mind be distinctly harmful to the relatively peaceful character of the immediate surroundings in Bargrove Avenue. I take these objections to be compelling and to fully justify the refusal of planning permission.

6. Construction works involved in the provision of the house proposed on plot 6 would present a degree of risk to the root system and possibly to the branches of the copper beech tree near the front of the site. I accept that this risk would be reduced, albeit marginally, if the house were constructed further west as shown on your drawing No 1751/15A, but the tree is tall and spreading and in my judgement, it would obstruct both daylight and sunlight to the windows of the living room and main bedroom of the near house. I consider that this would be likely to lead to a request for permission to fell or drastically lop the tree, which could not be reasonably refused. For this reason I conclude that the proposal would threaten the future life, health and appearance of the copper beech, and I regard this as a further compelling objection to the proposal.

7. I have considered the other points raised in the representations. I sympathise with the appellant's wish to continue to live on this site in a more convenient modern home, but I am not satisfied that this must necessarily lead to the redevelopment of the whole of her land, and I find this and the other points of insufficient weight to affect my decision.

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

I am Gentlemen
Your obedient Servant



R WOODFORD DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mrs V E Snoxall "Ickleford" 83 Green End Road Hemel Hempstead Herts

Johnson and Partners 39a High Street Hemel Hempstead Herts

..... Six Dwellings at 81-83 Green End 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 8.12.89 and received with sufficient particulars on 12.12.89 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 overdevelopment of the site. There is inadequate space around plots 2 and 3 to cater for the needs of their occupants. Such small garden areas will be totally out of character with the surrounding area, and affect adversely the visual and general amenities of the street scene. 2. The proposed development is in close proximity to a large and important tree worthy of preservation, and would be likely to result in damage or loss of this tree to the detriment of visual amenity and the character and appearance of the area.

Dated ... 22nd ... day of ... February 1990

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 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.