

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

MR



DACORUM BOROUGH COUNCIL

To Mr and Mrs S P Byrne
20 Western Road
Tring
Herts

Goldfield Development Ltd.
18 Western Road
Tring, Herts

..... Detached Dwelling

.....

at 2. Meadow Road, Berkhamsted

.....

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 25.10.88 and received with sufficient particulars on 9.11.88 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 a gross overdevelopment of a site which is inadequate to accommodate the development together with the necessary amenities and vehicle parking facilities, and has an adverse effect on the privacy and amenity of the occupiers of adjacent dwellings.
2. From the information submitted the local planning authority is not satisfied that the vehicle parking facilities shown on drawing 4/2060/88, can be satisfactorily accommodated on the site.

Dated 25 day of January 19 89

Signed..... *[Signature]*

Chief Planning Officer

SEE NOTES OVERLEAF
P/D. 15

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

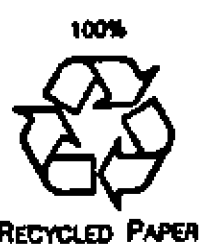
Direct Line 0272-218 927
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Handwritten initials and scribbles

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL			
Goldfield Development Ltd	Ack.	Your reference	
180 Western Road D.C. B.C.	Admin	Our reference	
TRING		T/APP/A1910/A/89/130177/P8	
Herts		Date	
HP23 4BB	13 DEC 1989	11 DEC 89	
Comments	File Ref. CPO		
	Refer to 1312		
	Cleared		

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR S P BYRNE
APPLICATION NO: 4/2060/88

- 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 a detached 3-bedroom house at 2 Meadow Road, Berkhamsted, Hertfordshire. I have considered the written representations made by you and by the Council and also those made by the Berkhamsted Town Council. 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 14 November 1989.
- From the representations made and from my inspection of the site and its surroundings, I have come to the conclusion that the main issues to be decided in this appeal are whether the site is adequate for the development proposed having regard to its effects on the amenities of the neighbouring properties and the standard of amenity provided for the prospective occupiers of the proposed house and whether car parking could be satisfactorily accommodated in the manner proposed.
- The appeal site is located on the north-west side of Berkhamsted in a residential area mainly comprising semi-detached, 2-storey houses or bungalows. It is a triangular shaped piece of land which currently forms part of the garden of a detached 2-storey dwelling at No 2 Meadow Road. To the rear of this property lies its garage and a surfaced parking space approached by an access which runs along the south-west boundary of the appeal site and also serves as an access to garages and the rear gardens of properties on Billet Lane. The appeal relates to a proposal to build a detached house on the western side of the existing house.
- In this locality land rises to the north and north-west and therefore the appeal site stands above properties to the south-west which front onto Billet Lane. There are a number of trees along the south-western boundary of the appeal site and although there is one tree which I consider would be threatened by the development, I am satisfied that this screening and the distance between the proposed house and those along Billet Lane would be sufficient to ensure that no serious invasion of privacy would occur.
- I am however concerned about the effect of the proposal on the existing house at No 2 Meadow Road. There are several windows on the flank wall of this property which would be approximately 1 m away from the proposed development. Although you assert that these windows are to non-habitable rooms, one of them, which I take to be the rear window at ground floor level, serves a kitchen. You have said that you



intend to install a fully glazed rear door to this kitchen instead of the existing half-glazed door which I could see from the access along the south-west boundary. Even so, I do not consider that this measure would compensate for the loss of light to this room occasioned by the proximity of the proposed house. In my opinion there would be an unacceptable loss of light to the kitchen and the development would appear intrusive and dominant when viewed from this room.

6. The proposal would also result in a very much reduced garden area at the rear of No 2 Meadow Road. I do not consider that the hardstanding area near the garage should be regarded as part of the private rear garden amenity space which, to my mind, would be unacceptably cramped bearing in mind the more spacious rear gardens of other properties along Meadow Road. The rear garden of the proposed dwelling would be of a similar size to that of No 2 Meadow Road and although there would be some additional space to the west of the proposal, in my opinion the private amenity space available to the prospective occupiers would also be inadequate in comparison with other properties in the vicinity. I therefore conclude that the proposal would have a serious and harmful effect on the amenities of the occupiers of the adjoining property at No 2 Meadow Road and also that the proposal would not provide adequate private amenity space for the occupiers of the proposed house.

7. The second issue concerns car parking. Two spaces are shown to be provided immediately to the front of the proposed house with direct access onto Meadow Road. The Council contend that because of the slope to the south the bays would have a gradient steeper than 1 in 14 which is the standard recommended throughout the County for the first 5 m of a driveway abutting a highway. You have indicated that in order to achieve a satisfactory gradient the proposed house could be built at a higher level. Nevertheless the parking area is shown to extend almost the full depth of the area at the front of the proposed building. In my judgement parking so close to the front window and entrance would be seriously detrimental to the amenities of the occupiers of the proposed house by reason of visual intrusion, noise and disturbance. I also consider that because No 2 Meadow Road would be so close to the proposed house, the occupiers of this property would also be affected in a similar way particularly if the ground level of the parking area was to be raised above the level of their front garden.

8. I have taken account of the planning permission which has recently been granted for a 2-storey side extension to the existing house at No 2 Meadow Road. This proposal did not however involve the provision of additional parking space and the garden space remaining was considered by the Council to be adequate for one dwelling. Neither this nor any other matter raised in the representations outweigh the factors which have led me to my decision.

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

I am Gentlemen
Your obedient Servant

Margaret A. Frith

MARGARET A FRITH BA DipTP MRTPI
Inspector