



Planning Inspectorate
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B/245/JLC/P

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL
GTN 1374

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|------------------------|--|--|--|--|----------|--|----------------------------|--|
| A E King, Town Planner | | | | | Ack. | | Your reference | |
| Dovecot Barn | | | | | Admin. | | File | |
| Alderpark Meadows | | | | | | | Our reference | |
| Long Marston | | | | | | | T/APP/A1910/A/90/153586/P7 | |
| Nr TRING | | | | | | | Date | |
| Herts HP23 4RB | | | | | Received | | 7 JAN 1991 | |
| Comments | | | | | | | - 4 JAN 91 | |

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR AND MRS N SCOTT
APPLICATION NO: 4/2060/89

- 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 erection of a detached cottage on land to the rear of Longwood, Sheethanger Lane, Hemel Hempstead. I held a hearing into the appeal on 4 September 1990.
- From the representations made at the hearing and in writing and from my inspection of the site and its surroundings, I consider that the main issue in this case are whether the proposed development would cause serious harm to the character and appearance of the locality and have an adverse impact on neighbours.
- The appeal site is located within a well established residential area to the west of Hemel Hempstead. It lies within an area characterised by high quality, low density development which is bounded to the south by the Metropolitan Green Belt. The appeal site forms part of the substantial rear garden of Longwood, a detached 2-storey dwelling and is contained on 3 sides by adjoining residential curtilages and on the remaining side by open farmland, which is a integral part of the Green Belt.
- The Council acknowledge that development on this backland site to the rear of Longwood is acceptable in principle. They have already granted planning permission for a single-storey dwelling only, in order to retain the privacy and aspect of the occupiers of nearby dwellings. Accordingly the Council now seek to demonstrate that your clients' proposal to erect a 2-storey dwelling, would by reason of its scale, bulk and proximity to the site boundaries with adjacent properties and the Green Belt have an adverse impact on its surroundings which the Council regard as unacceptable.
- You stress that the proposed 2-storey dwelling has been specially designed to be more in keeping with the existing established residential character of the locality, than the single-storey dwelling already approved. It would not look out of place and its impact on the nearby Green Belt would be minimal. Whilst you accept that there will be an increase in height to accommodate first floor rooms, you nevertheless maintain that this increase in height at under 2 m would not be excessive and would be more than compensated by a reduction in overall site coverage. In any event, you consider that its detailed siting would largely respect the residential amenities enjoyed by the occupiers of nearby dwellings and that claimed overlooking



from first floor windows would be very limited and having regard to existing and proposed landscaping and the distances between dwellings you stress that adequate levels of privacy would be maintained.

6. I saw during my inspection that the problems of mutual privacy, overlooking and intervisibility with neighbours would be minimal as far as impact is concerned. In this connection I paid particular regard to the prospect of intervisibility between the first floor windows of the appeal dwelling and the rear windows of Longwood the nearest dwelling. I saw that the claimed problems would be severely curtailed by the siting of a pitched roof garage on the common boundary between the 2 properties. I also saw that the distance between the proposal and the proposed dwelling at the rear of Cobbes to the south would be adequate and that the presence of a substantial hedge and tree boundary should reinforce the feeling of separation between these 2 dwellings.

7. The neighbour to the east, at The Coppins is also anxious about possible overlooking, but the main aspects of the proposal coupled with extensive screening along the boundary and the distance to this neighbouring dwelling should be sufficient, to, in my judgement, retain a reasonable degree of privacy, both within house and garden. The proposed dwelling would be slightly more visible than the single-storey dwelling originally proposed for the appeal site and would narrow the view over open countryside to the south, from The Coppins. The effect is however a matter of degree and the neighbouring dwelling would not be deprived of an outlook.

8. I have looked very carefully at the Council's assertion that the proposed dwelling would represent an unacceptable intrusion into the neighbouring Green Belt, resulting in an erosion of its character. From what I saw of the locality it appears to me that only fleeting distant glimpses of the proposed dwelling from any public highway would be possible, mainly in the winter months, because of the extensive tree cover between Featherbed Lane to the south and the appeal site. Any dwelling on the appeal site, when viewed from Featherbed Lane, would be seen against a backcloth of residential development on rising ground off Sheethanger Lane and in my judgement would be satisfactorily assimilated into its surroundings. I am not aware of any public rights of way which would afford views of the appeal site from within the Green Belt. Therefore I am convinced that public perception of the appeal site vis a vis its relationship to the Green Belt would be very limited.

9. The Council put forward only one condition, relating to landscaping and I accept that reinforcement of the existing tree and hedge cover on the appeal site would be an appropriate safeguard.

10. I have taken into account all other matters raised in the representations, but none of them outweigh the considerations which have led to my conclusions.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a detached cottage on land to the rear of Longwood, Sheethanger Lane, Hemel Hempstead, in accordance with the terms of the application (No. 4/2060/89) dated 18 December 1989 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development;

3. all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

12. An applicant for any consent, agreement or approval required by a condition of 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.

13. 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 Sir
Your obedient Servant



MICHAEL GIBSON BA(Hons) DipTP MRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

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|--------------------------------|-------------------------------|
| Mr A E King BA(Hons) BPl MRTPI | - Planning Consultant, Tring. |
| Mr N Scott | - Appellant. |
| Mrs P Scott | - Appellant. |

FOR THE PLANNING AUTHORITY

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| Mr J G Knapp MRTPI | - Principal Planning Officer. |
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DOCUMENTS

Document 1 - List of persons present at the hearing.

Document 2 - Letter of notification of the hearing and distribution list.

Document 3 - Two letters of objection from adjoining residents.

PLANS

Plan A - Application Plan - Site layout, scale 1:200.

Plan B - Application Plan - Details, scale 1:100.

Plan C - Plan showing siting and details of approved bungalow.

Plan D - Plan showing bungalow on adjoining site, part of Cobbes.

PHOTOGRAPHS

Photo 1 - Bundle of photographs showing view of appeal site from The Coppins bedroom windows.



DACORUM BOROUGH COUNCIL

To Mr and Mrs N Scott
'Longwood'
Sheethanger Lane
Hemel Hempstead
Herts

A E King
Dovecot Barn
Alder Park Meadows
Long Marston
Tring, Herts.

..... Detached Dwelling

.....
.....
at ... Rear of 'Longwood', Sheethanger Lane

..... 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 15.12.89 and received with sufficient particulars on 18.12.89 and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:-

The development is considered inappropriate given its 'backland' location by reason of its scale, bulk, and proximity to the site boundaries with adjacent properties and the Metropolitan Green Belt. The development would have a marked visual impact and would contribute to creeping suburbanisation of the countryside.

Dated 16th day of February 1990

Signed..... *Wm Barnard*

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.

DC.4 NOTES