

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mrs Tasker
10 Crabtree Close
Hemel Hempstead
Herts

Mr I W Hale
20 Pembroke Road
Greenford
Middlesex
UB6 90P

..... Double garage, access drive and change of use to
..... residential garden
at Rear 10 Crabtree Close, 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 3rd January 1986 and received with sufficient particulars on 3rd January 1986 and shown on the plan(s) accompanying such application.

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

The proposal would result in an intrusive development prejudicing the open fronted character of the area to the detriment of the visual and general amenities of the locality.

Dated 20th day of February 19 86 ..

Signed *W. B. B. B. B.*

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 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.



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CHIEF EXECUTIVE OFFICE
 3 OCT 1986
 File Ref. CEO 3/10

Mr I W Hale
 20 Pembroke Road
 GREENFORD
 Middlesex
 UB6 9QP

LJMS
JES
B. J. ...
J. ...

Your reference

18045

Our reference					
PLANNING DEPARTMENT					
T/APP/AD/01/86/18970/86					
Date					
- 1 OCT 86					
Ack.					
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received					
- 3 OCT 1986					
SCHEDULE 9					
Comments					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND
 APPEAL BY MRS TASKER
 APPLICATION NO:- 4/0003/86

- 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 double garage, access drive and change of use to residential garden, on land at the rear of 10 Crabtree Close, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on 28 July 1986.
- I note that your client's planning application is for the erection of a double garage with access, only, and that the accompanying plans contain no proposals for fencing off or otherwise enclosing the area of land purchased from the former owner of No 30 Charlesworth Close. In the circumstances I have treated the application as one solely for the erection of the garage and construction of the access drive and not for the change of use of the purchased land to residential garden.
- From my inspection of the site and its surroundings and my examination of all of the representations made I am of the opinion that the main issues in this case concern first, the likely effects of the proposed development on the appearance of the Charlesworth Close housing area and on the residential amenities of the occupants of that estate and second, whether satisfactory access for motor vehicles can be obtained to the proposed driveway and double garage.
- Charlesworth Close was built at a relatively high housing density but it has an open frontage layout which gives the development a more spacious and less cramped appearance than would otherwise have been the case. In my view it is important that the spacious open character of the front garden areas on the estate should be retained as far as is reasonably possible.
- The proposed garage would be sited well to the west of the dwellings in Charlesworth Close and it would not encroach into the open frontage area nor harm the appearance of the estate.
- The rectangular area of land over which the proposed driveway would pass does form part of the open frontage land. It occupies a prominent position in the Close and I consider that as a generally open area it makes a significant contribution to the pleasant appearance of the estate. However I do not think that the presence of the proposed driveway would result in material harm to the appearance of the land concerned. The use of perforated blocks for the driveway surface would mean that

the drive itself would have little impact on the street scene. Your client does not intend to park vehicles on the driveway but even if some were parked there I do not think that the effects on the appearance of the area would be so harmful as to be unacceptable, given the widespread presence of parked vehicles elsewhere in the open frontage areas in the Close.

7. The Council are clearly concerned that the land over which the proposed driveway would pass should not become enclosed garden land, and cease to be part of the open frontage area. However it is quite plain to me from the planning permission granted in 1976 that the piece of land in question was intended to be a landscaped area, part of the open frontage land, and not enclosed garden land. Your client says that she has no intention of incorporating the land within her enclosed garden and the permission she seeks would not allow her to do that.

8. Some local residents are concerned that the proposed development would involve the loss of public amenity space which is used for children's play. However the land is privately owned and there is no evidence of a right of public access to it.

9. The development would result in traffic and activity in fairly close proximity to a number of houses in Charlesworth Close. However the proposed driveway would be well screened from the nearest house, No 32, and would be separated from Nos 24-30 by their front garden areas and driveways. In my view the amount of traffic and activity likely to be associated with normal domestic use of the garage and driveway would not do material harm to the amenities of nearby residents. There are over 30 houses in Charlesworth Close and I take the view that the additional traffic and activity associated with your client's proposed development would not do any significant harm to the amenities of the occupants of the other residents of the Close. For similar reasons I do not believe that the proposed development would result in any material increase in traffic dangers.

10. Local residents are worried that the proposed garage and access might be used for commercial purposes. But any proposed material change of use in that regard would be subject to planning control.

11. I have concluded on this issue that there are no specific and convincing objections to the grant of permission.

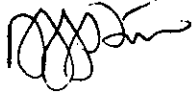
12. On the second issue cars and other motor vehicles travelling from the proposed garage down the driveway and then down Charlesworth Close would have to leave the application site and cross a footway and the corner of the grassed area beyond it before reaching the carriageway of the highway. The Council own that intervening land and they do not agree to your client's proposals. Accordingly the Appellant does not control the necessary land to obtain satisfactory vehicular access to the proposed development and I can see no reasonable prospect that such control could be obtained within such time as to enable the development to be undertaken within the time limits imposed on a planning permission. I regard this as a specific and convincing objection to the proposed development and one that overrides the normal presumption in favour of the grant of planning permission.

13. I have considered all relevant Government advice, including that in Circulars 22/80 and 14/85 and have weighed all of the other representations made but find nothing to change my decision.

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

I am Sir

Your obedient Servant

A handwritten signature in black ink, consisting of several loops and a trailing flourish.

A J J STREET BA DiTP MRTPI
Inspector