



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

A/32X/AJB/P

T Edwards Esq  
Chartered Surveyor  
1 Willow Lane  
AMERSHAM  
Buckinghamshire  
HP7 9DW

Your reference  
180/90

Our reference  
PLANNING DEPARTMENT  
T/APP/A1910/A/90/164559/P4IL

Ref.	Date	A.K.				
	1-9-DEC-90					
C.P.O.	T.C.P.A.	UP	CC	H.C.	Admin.	File
Received						2 1 DEC 1990
Comments TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6 APPEAL BY MR AND MRS R JOHNSON APPLICATION NO:- 4/0029/90						

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR AND MRS R JOHNSON  
APPLICATION NO:- 4/0029/90

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of Dacorum Borough Council to refuse planning permission for the conversion of a bungalow into 2 dwellings on land at Woodside, Chesham Road, Wigginton. I have considered the written representations made by you, and by the Council. I have also considered those written representations made directly by Wigginton Parish Council to the Council which have been forwarded to me. I inspected the site on 29 October 1990.
- From my inspection of the site, and its surroundings, and my consideration of the written representations made I judge that the main issue in this case is whether the proposal would accord with the Green Belt policies which are generally designed to resist inappropriate development in such locations, and if not whether there are any very special circumstances in this case to justify an exception.
- The appeal site is located within the Metropolitan Green Belt, and the Chilterns Area of Outstanding Natural Beauty. The Council considers that the proposed development is contrary to its restrictive Green Belt policies. You do not dispute that these policies apply nor do you claim that the appeal proposal falls within a category of appropriate development as set out either in Policy 4 of the District Plan or in Planning Policy Guidance Note 2 paragraph 13. You state however that an exception should be made since there will be an increase in demand for smaller units of accommodation, and the Council's present policy is not sufficiently sensitive to respond to such changes in demand.
- I note that Policy 18 of the draft Borough Local Plan Review allows for conversion of houses into smaller units within towns and large villages. In addition Policy 4 of the Review Plan allows small-scale developments within the village of Wigginton to meet a local need of the village or adjoining countryside. I am therefore satisfied that the Council's policies make sufficient provision for small units elsewhere in the District. I therefore conclude that the proposal would be inappropriate development within the Green Belt.
- The proposal relates to an existing bungalow which lies within an attractive rural area about 1.2 m from the village of Wigginton. The building has been considerably extended following the grant of planning permission in 1985. Whilst it was the condition of this permission that the property be used only as a single family dwelling I note that it has previously been occupied as 2 units by the

applicants, and their son and his family. I accept that the creation of a new dwelling by sub-division of an existing building can in some situations increase the urban appearance of a site. In this case however no external alterations are proposed, and there is no increase in the number of habitable rooms. My observations at the time of my site visit confirmed the Council's evidence that there are already 2 double garages on either side of the bungalow and the garden is sub-divided by a close-boarded fence. I also note that planning permission was granted in 1988 for a second front entrance although this has not yet been implemented. I do not therefore consider that the scheme would lead to any harmful change in the appearance of the countryside or undermine the functions and purpose of the Green Belt.

6. The Council is concerned that the proposal would set a precedent for permitting similar development which would cumulatively result in the erosion of the Green Belt. Since I have found that the conversion would not in this case materially increase the urban appearance of the site the possibility of similar proposals is not in itself a sound basis for refusing permission.

7. I have also considered the appeal proposal against the background of the Council's policies which strictly control development in the Area of Outstanding Natural Beauty. Since I judge that the proposal would not harm the appearance of the area I consider that it would not significantly conflict with the objective of Policy 23 to preserve the natural beauty of the landscape.

8. I have taken account of the other matters raised in the representations, but do not consider that there are any of sufficient weight to override those that have led me to my decision.

9. As regards the condition suggested by the Council that might be imposed should I be minded to allow this appeal I believe that the Council's proposed conditions 5.9.2, 5.9.3, and 5.9.4 as amended to reflect the advice contained in Circular 1/85 are necessary in order to provide satisfactory living conditions for future occupiers.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the conversion of a bungalow into 2 dwellings on land at Woodside, Chesham Road, Wigginton in accordance with the terms of the application (No. 4/0029/90) dated 5 January 1990 subject to the following conditions:

1. the development to which this permission relates shall be begun within a period of 5 years from the date of this letter;

2. before the occupation of the new dwelling the appellant shall submit to the local planning authority an assessment of the adequacy of the existing party wall (including that in the roofspace) to provide resistance to the passage of airborne and structureborne sound between the dwellings created by the proposal. The report shall take into account:

a. the presence or otherwise of airborne sound paths;

b. the presence or otherwise of flanking transmission paths for sound transmission;

c. the density, mass and thickness of separating walls; and

d. the presence of any other features likely to reduce the acoustic insulation performance of the party walls such as in-building of joist ends.


3. the new dwelling shall not be occupied until there has been submitted to and approved in writing by the local planning authority a scheme of sound insulation which shall include the measures that the assessment referred to in condition 2 indicates are necessary to ensure the adequacy of sound insulation between each of the proposed dwellings;

4. any such scheme as may be agreed by the local planning authority under condition 3 shall be carried out prior to the occupation of the new dwelling.

11. 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.

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 Sir  
Your obedient Servant



C W HOARE LLB Solicitor  
Inspector



**DACORUM BOROUGH COUNCIL**

To Mr and Mrs R Johnson  
Woodside  
Chesham Road  
Wigginton

Trevor Edwards Chartered Surveyors  
1 Willow Lane  
Amersham  
Bucks

CONVERSION OF BUNGALOW INTO TWO DWELLINGS  
.....  
.....  
at WOODSIDE, CHESHAM ROAD, WIGGINTON  
.....  
.....

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 January 1990 and received with sufficient particulars on 8 January 1990 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 site within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
- (2) The proposal is not supported by evidence of local need sufficient to satisfy Policies 4 and 5 of the adopted Dacorum District Plan.

Dated 22 day of February 1990

Signed *Wm Barnard*

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.