

11805



Department of the Environment and
Department of Transport
Common Services
Room 1419 Toilgate House Houlton Street Bristol BS2 9DJ
Telex 449321

Direct line 0272-218 950
Switchboard 0272-218911

CHIEF EXECUTIVE OFFICER	
22 JAN 1985	
File Ref.
Refer to	Ch. 221
Cleared

JMB
~~JMB~~
3) TW
4) JMB

Messrs John H James & Co
Land and Planning Consultants
Sawtrees Manor
Cold Christmas Lane
Thundridge, Near Ware
Hertfordshire SG9 9NL

Your reference			
GRD/PLANNING DEPARTMENT			
DACORUM DISTRICT COUNCIL			
Our reference			
Ref.	T/APP/A1910/A/84/012595/P3		
Date	21 JAN 85		
C.P.O.	D.P.	Admin.	File
Received	22 JAN 1985		
Comments			
AND SCHEDULE 9			

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36
APPEAL BY MR R MARGRAVE
APPLICATION NO:- 4/0071/84

- I have been appointed by the Secretary of State for the Environment to determine your client's appeal against the decision of the Dacorum District Council to refuse outline planning permission for the erection of three 4-bedroomed detached houses on garden land at 51 Green Lane, Bovington. I have considered the written representations made by you, by the council and by the Bovington Parish Council and also those made by interested persons. I inspected the site and its surroundings on 12 November 1984.
- In addition to identifying the appeal site, the application plan shows the proposed siting of the houses. However, the scaled measurements of the individual plots differ from the stated measurements. Because this discrepancy will affect the proposed siting, I shall treat the layout as illustrative only, and I shall deal with your client's proposed development on the basis that all matters are reserved.
- Although Bovington is within the general area covered by the Metropolitan Green Belt, the adopted Dacorum District Plan specifically excludes Bovington from the Green Belt, and the Proposals Map clearly shows the appeal site within Bovington and outside the Green Belt. Policy 64 of the Dacorum District Plan states that, within the specified settlement of Bovington, planning permission for residential development would normally be granted provided it complies with Policies 18, 19 and 66 of the Plan, which policies all relate to matters of detail.
- The site already has the benefit of an outline planning permission for 2 houses. Therefore, from my inspection, and from my consideration of the written representations, I deem the main issue to be the effect of the proposed development of the site for 3 houses on the residential character of the area and on the amenities of neighbouring residents.
- The appeal site is about $\frac{1}{3}$ of the curtilage of 51 Green Lane, Bovington which is located on the south-east side of Green Lane. The site is the rear portion of your client's garden, and its south-east boundary coincides with the inner boundary of the Green Belt. The site includes the private access drive, which runs along the south-west side of the site and leads to your client's stable and paddock which are located within the Green Belt beyond the appeal site.

6. Green Lane is wholly residential. It is lined with low-density housing of varied types, sizes and designs, the dwellings standing on long narrow plots. Although your client's proposals could be described as backland development, I agree with you that the size and shape of the proposed plots, 13 m by 48 m, would be similar to those elsewhere in and near Green Lane. Therefore, while I accept that 3 houses instead of 2 would result in a higher density of development on this site, in my opinion, the houses would not appear cramped on their plots, nor out of keeping with the existing pattern and scale of residential development in this part of Bovington. Thus, I conclude that 3 houses on the appeal site would not be excessive.

7. No 51 Green Lane stands at an angle on its plot. In its south-east elevation, overlooking the appeal site, it has 2 windows at ground floor level, and one at first floor level. However, both ground floor windows are secondary windows serving the lounge, and the relevant first floor bedroom also has another window in a different elevation. Therefore I consider that, with appropriate siting of the proposed houses, any loss of light and outlook in relation to those rooms would be acceptable.

8. There would be some mutual overlooking of the remaining rear curtilage of No 51, and the grounds of the nearest of the proposed houses, but this would be no more than is experienced between adjacent properties elsewhere in the neighbourhood. The neighbouring properties, Nos 47 and 57 Green Lane would not be overlooked by the proposed development because they are screened by mature vegetation on the north-east and south-west boundaries of the site.

9. I consider that the vegetation screens along the site boundaries make an important contribution to the appearance of this area at the edge of the Green Belt. In a prominent position on the north-west boundary of the site there is a fine young willow tree. Although this tree is not the subject of a Tree Preservation Order, because of its location in relation to the proposed development, I think that it would form an important landscape feature, and that care should be taken to protect it while construction works are in progress. Therefore, I propose to impose safeguarding conditions in respect of this tree and the vegetation screen.

10. I have considered the adequacy and safety of the access onto Green Lane. I note that the proposed access already serves your client's existing house and his other land at the rear of the appeal site and that it would serve the 2 dwellings which are already permitted. I am satisfied that visibility in both directions at the junction of the access drive with Green Lane, is adequate, and that there will be no detriment to highway safety. However, I consider that the present access drive should be widened and improved to accommodate the extra vehicular and pedestrian traffic which would be generated by the proposed development, and I shall impose a condition accordingly.

11. I have taken into account all other matters raised in the representations, but find they are outweighed by the planning considerations which have led to my conclusion.

12. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of three 4-bedroomed detached houses on garden land at 51 Green Lane, Bovington in accordance with the terms of the application (No 4/0071/84) dated 17 January 1984 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;

b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;

2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:

a. 5 years from the date of this letter; or

b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved;

3. The approved landscaping scheme shall include provision for the retention of the vegetation screen on the north east boundary of the site and the existing willow tree;

4. the approved landscaping scheme shall be carried out during the first planting season following completion of the development;

5. the existing willow tree shall be protected in accordance with a scheme to be agreed with local planning authority for the period that building works take place on the site, and shall not be wilfully damaged or destroyed, uprooted, felled, lopped or topped during that period without the previous consent in writing of the local planning authority. If the tree is removed without such consent or dies or becomes severely damaged or seriously diseased during that period it shall be replaced with a tree of such size and species as may be agreed in writing with the local planning authority;

6. the dwellings hereby permitted shall not be occupied until the access has been widened and improved in accordance with a scheme to be agreed in writing with the local planning authority.

13. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

G. J. Bowman

MRS G J BOWMAN MA(Cantab) Barrister
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. R. Margrave
Woodlea
Green Lane
Bovingdon

Three Dwellings (outline application)
at 51 Green Lane, Bovingdon

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 17th January 1984 and received with sufficient particulars on 18th January 1984 and shown on the plan(s) accompanying such application.

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

- (1) Having regard to the character and amenity of this part of Green Lane, the local planning authority considers that the development is excessive and unwarranted and would if permitted result in a substantial deterioration in the character of the area.
- (2) The proposed development would have a seriously detrimental effect on the residential amenity of adjoining dwellings.

Dated 8th day of March 1984.

Signed *W. B. Barnard*

Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.