

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mrs N Bligh  
2 Bulstrode Cottages  
Felden  
Hemel Hempstead  
Herts

D Clarke  
47 Gravel Lane  
Hemel Hempstead  
Herts

Two storey side extension  
.....  
.....  
at 2 Bulstrode Cottages, Bulstrode Lane,  
.....  
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 14 January 1988 and received with sufficient particulars on 18 January 1988 and shown on the plan(s) accompanying such application..

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

The site is 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.

Dated Second day of March 19 88

Signed [Signature]

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 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.

**Department of the Environment and  
Department of Transport**

Common Services

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**CHIEF EXECUTIVE  
OFFICER**

**25 OCT 1988**

File No. ....  
Refer to ....  
Cleared .....

Mrs Norah Bligh  
2 Bulstrode Cottages  
Bulstrode Lane  
Felden  
HEMEL HEMPSTEAD  
HP3 0BP

Your reference			
PLANNING DEPARTMENT			
DACORUM DISTRICT COUNCIL			
Our reference			
Ret/APP/A1910/A/88/094037/P4			
Ack.			
Date		B.C.	A. Jmin.
C.P.O.	24 OCT 88		File
Received		25 OCT 1988	
Comments			
SCHEDULE 9			

Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND  
APPLICATION NO: 4/0078/88

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of an extension comprising a "granny annexe" with family accommodation above at 2 Bulstrode Cottages, Bulstrode Lane, Felden, Hemel Hempstead. I have considered the written representations made by you and by the Council. I have also considered those representations made directly by Didcot Health Centre to the Council which have been forwarded to me. I inspected the site on 12 September 1988.

2. The proposal is for a 2-storey extension to your existing house. The ground floor is intended to serve as a flat for your elderly parents whilst the rooms upstairs would increase the accommodation available for your immediate family.

3. From my inspection of the site and its surroundings and from the representations made I consider that the main issues in determining this appeal are firstly the effect of the proposed extension on the rural character of the area, having regard to the general presumption against development in the Metropolitan Green Belt, and secondly, if there are planning objections to the proposal, whether the personal circumstances particular to this case are sufficiently compelling to outweigh them.

4. The site lies within the Metropolitan Green Belt where there is a strong presumption against development outside certain specified categories such as agricultural or leisure developments. The Dacorum District Plan, adopted in January 1984, reflects and amplifies this presumption as regards new residential development. The plan does make allowance for extensions to dwellings within the green belt so long as they are satisfactory in environmental terms and their size in relation to the original dwelling is not excessive. In assessing this last factor the Council makes use of guidelines, expressed in terms of a graph, which relates the floorspace of the original dwelling to the percentage increase in floorspace arising from the proposed extension.

5. I have considered the representations made by you and by the Council regarding the size of the extension in relation to the original dwelling. I am satisfied that the extension would be as large as your existing house and substantially in excess of the limits suggested in the Council's guidelines. It would, furthermore, provide accommodation for a household separate from your own, albeit receiving care and support from you and your family. In such circumstances I feel that the impact of the proposed extension would be so similar to that of a separate dwelling that it

should be considered in terms of those planning policies which relate to new residential development.

6. Development along Bulstrode Lane extends out from the main settlement of Felden in small groups with gaps of 80 m or more separating them. The area is predominantly agricultural in appearance and although the village is diffuse in character with ill-defined limits I am satisfied that your house lies outside the main framework of development in an area where new residential development would not normally be acceptable. Although, as you say, your site is not a prominent one the proposed extension would be seen from Bulstrode Lane and from neighbouring properties and the relatively large plot size would have no significant effect in reducing its impact. I agree that your house is smaller than many in the area but that is not, in my view, an adequate reason for allowing development otherwise unacceptable. It is my conclusion that your proposal would materially affect the appearance of the area and would be contrary to the aims of the green belt.

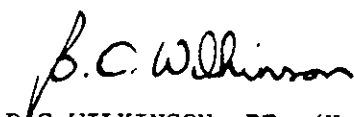
7. In view of your parents' personal circumstances I understand and sympathise with your wish to provide the care which they need. I agree also that this is not practicable within your house as it is at present but your proposals, in my view, go substantially beyond the accommodation needed to allow such care to be provided. It is necessary also to consider not only the present needs of your family but also the use to which the extension may be put for many years to come. I feel that its size and design share so many characteristics with those appropriate to a separate dwelling that it would be difficult to prevent its use as such at some future time, either as a flat or as a wholly separate house. Your suggested condition restricting the use of the premises to a single household would not materially alter this situation as an application to lift such a condition would similarly have to be considered in the light of the building's design. I conclude that your personal circumstances are not sufficiently compelling to override the strong presumption against development in the green belt.

8. I have noted the representations made by both parties on the question of detailed design and I acknowledge, in particular, that you would be prepared to provide a hipped roof. Had I otherwise been minded to allow your appeal I would not have regarded the remaining objections on matters of detailed design (as distinct from the size of the proposed extension) as being of such validity as to warrant dismissal.

9. On my site inspection I visited the sites which you have drawn to my attention but none of them, in my opinion, were sufficiently similar to the appeal site to have any significant bearing on my consideration of the present appeal. I have also noted your willingness to relinquish any rights you may have to implement the permission granted in 1976. Neither these, nor any other matter raised, are sufficient to outweigh the considerations which have led to my decision.

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

I am Madam  
Your obedient Servant



B/C WILKINSON BEng(Hons) DipTP MRTPI  
Inspector