



Department of the Environment
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Telephone 01-928 7855 ext 384

Messrs Bovington Fowler McBride
Chartered Architects
160A-162A Pinner Road
HARROW
Middlesex
HA1 4JJ

Your reference

AJF/PK/1057

Our reference

T/APP/5252/A/77/6904/G9

Date

22 DEC 1977

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY J W BAILEY ESQ
APPLICATION NO:- 4/0089/77

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a double garage with playroom over at "Cherrybank", Shothanger Way, Bovington. I have considered the written representations made by you and by the council and also those made by 2 interested persons. I inspected the site on 6 December 1977.
2. From my inspection of the appeal site and the surrounding area and the representations made, I am of the opinion that the determining issue is the effect of the proposed development on the local scene and on the residential amenities of the adjacent dwelling "Woodbury".
3. I have noted previous approvals for development at "Cherrybank" including a double garage with playroom over which was granted planning permission in 1974. The proposal which is the subject of the current appeal, however, is different from the latter in that it is set some 5 ft further forward and seems to me to have an appearance of greater mass.
4. The proposed development would be well forward of the building line along this part of Shothanger Way and in my opinion would be in a dominant and obtrusive position in this semi-rural setting. Furthermore, your client's dwelling is on slightly higher land than that of "Woodbury", a dwelling close to it on its eastern side, and I consider that the bulk of the proposed development would be unneighbourly in its impact on the front elevation of that dwelling. It seems to me that this proposal would be unacceptable in that it would be out of keeping in the local scene and in its effect on the residential amenities of the occupants of "Woodbury".
5. I have noted all the other matters raised in the written representations, including the detailed reasons for your client's requirement for this proposal as opposed to that which received planning permission in 1974, but I consider that none of these is strong enough to outweigh the considerations that have led me to my decision.
6. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant


A H GIBB, MBIM

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM

THE DISTRICT COUNCIL OF
IN THE COUNTY OF HERTFORD

To Mr. J. Bailey,
'Cherry Bank'
Shothanger way,
Bovingdon,
Herts.

Agents: Bovingdon Fowler McBride,
160A-162A Pinner Road,
Harrow,
Middx. HA1 4JJ.

Double garage and room over new boiler room
at 'Cherry Bank' Shothanger way, Bovingdon, 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 17th January 1977 and received with sufficient particulars on 18th January 1977 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 proposal by virtue of its size and location in front of the general building line is in the opinion of the Local Planning Authority an obtrusive feature in the existing semi-rural environment.
2. The position of the garage is such that it would not be possible to park a vehicle entirely within the curtilage of the site thus having an adverse effect on visual amenity and presenting a hazard to other road users.

Dated 25th day of February 1977

Signed [Signature]
Designation Director of Technical Services

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, Whitehall, London, S.W.1.) 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.