



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

D/510/JM/P

Common Services

Room 1404 Tollgate House, Horton Street Bristol BS2 9DJ

Telex 449321

DACORUM DISTRICT COUNCIL

Direct Line 0272-218 927

Per Switchboard 0272-218811

CPO DP DC SC Admin

27086

CHIEF EXECUTIVE OFFICER

31 OCT 1988

File  
From 20.3.10  
Close

Mr P J Bandy BSc  
"Roughdown Edge"  
Roughdown Villas  
HEMEL HEMPSTEAD  
Herts  
HP3 OAX

Received  
**31 OCT 1988**  
Road  
Comments

Your reference

Our reference

T/APP/A1910/A/88/93270/P45

Date

26 OCT 88

*[Handwritten signatures and initials]*

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR D RADCLIFFE  
APPLICATION NO: 4/104/88

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. The appeal is against the decision of the Dacorum Borough Council to refuse full planning permission for a first floor side and 2-storey rear extension and conservatory to "Molly Ash", Alexandra Road, Chipperfield. I have considered the written representations made by you, the Council, and those made by Chipperfield Parish Council made direct to the Council. I inspected the site on 19 September 1988.
2. From my inspection of the site and surroundings and consideration of the representations made it seems to me that the 2 main issues to be determined area:
  - i. whether the proposal would be acceptable in an area where Green Belt policies are applied, and
  - ii. whether the proposal would adversely affect the residential amenities of the occupiers of nearby dwellings.
3. "Molly Ash" is a detached 2-storey house on the south-west side of a cul-de-sac with a rear garden that extends to have a frontage to Crofts Lane. Both roads have developed frontages and the character of the area is residential.
4. The approved Structure Plan places the appeal site within the Metropolitan Green Belt with a presumption against development, with certain specified exceptions. The Local Plan and its supplementary guidelines seek to preserve the appearance of the area by controlling extensions that are not in scale with the original dwellings.
5. The original size of your client's house is stated to be some 80 m<sup>2</sup> which was extended by a single storey kitchen etc in 1981 of some 20 m<sup>2</sup>. The proposal is to build over this extension which would then be extended some 5.9 m beyond the rear of the house to give an additional 72 m<sup>2</sup>, including the conservatory.
6. I accept that your client's house is in the midst of residential development, and several new dwellings nearby indicate that within Chipperfield small scale developments have been allowed. However the overriding policy for the area is that of the Green Belt which is not only to prevent the spread of development as you

contend, but is concerned also with maintaining the appearance of the area. The Government has reaffirmed its commitment to all aspects of the Green Belt policies.

7. The proposal would bring about a doubling in the size of the original house. To my mind the Council's guidelines, based on a proportional increase related to the size of the original property, allow a reasonably sized extension consistent with the aim of preserving the character of the area. These guidelines amplify the adopted policies for the area and whilst, as you point out, they may not have been subject of any public debate, nevertheless in my view they are material to my considerations. Likewise, even bearing in mind the location of your client's house in the village of Chipperfield, it is still necessary to consider the proposal against the Green Belt policies.

8. Turning next to the question of a possible adverse effect that the proposal might have on the residential amenities of the occupiers of the neighbouring dwelling in Croft Lane. To my mind there would be overshadowing caused by the proposed 2-storey extension and together with the loss of light would be the loss of outlook from the rear windows of this house. In my opinion therefore, the proposal, by its length and height, would be intrusive at relatively close quarters and by giving rise to unneighbourly conditions, should be rejected.

9. I have come to the conclusion that the proposal, by its size, would adversely affect the residential amenities of the occupiers of a nearby dwelling and would conflict with the Green Belt policies applied in the area so that your client's appeal should not succeed.

10. I have taken into account all the matters raised in the representations but do not find them of such strength as to affect my decision.

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

I am Sir  
Your obedient Servant

*J Roberts*

T R W ROBERTS RIBA DipTP MRTPI  
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To D Radcliffe  
'Molly Ash'  
Alexandra Road Chipperfield

First floor site and two storey rear  
extensions and conservatory.  
Molly Ash, Alexandra Road Chipperfield Herts  
at

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 21.1.88 and received with sufficient particulars on 22.1.88 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 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.
- (2) The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated 14th day of March 1988

Signed *W. 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.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To D Radcliffe  
'Molly Ash'  
Alexandra Road Chipperfield

First floor site and two storey rear  
extensions and conservatory.  
at Molly Ash, Alexandra Road Chipperfield 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 21.1.88 and received with sufficient particulars on 22.1.88 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 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.
- (2) The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.

Dated 14th day of March 1988

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.