

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

BH

DACORUM BOROUGH COUNCIL

To Mr.B.W.J.Bosher
85 Tattershall Drive
Woodhall Farm
Hemel Hempstead
Herts

Fuller Hall & Foulsham (Hemel Hempstead)
81A Marlowes,
Hemel Hempstead,
Herts, HP1 1LF

Erection of two garages on amenity Green (Outline)
.....
at Land adjacent 85 Tattershall Drive.....
.....

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 28th January 1986 and received with sufficient particulars on 31st January 1986 and shown on the plan(s) accompanying such application.

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

The proposal would result in an intrusive development detrimental to the visual amenities of the locality.

Dated 13th day of March 19 86

Signed..... *W. B. 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 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.

BW



Department of the Environment and Department of Transport

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13219

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2/88
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CHIEF EXECUTIVE OFFICER

21 OCT 1986

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ref. Ack.

Your reference

PRB/jjg/4082

Our reference

T/APP/A1910/A/86/050470/P4

Date

20 OCT 86

Received 21 OCT 1986

Comments

Fuller Hall & Foulsham
(Hemel Hempstead)
81A Marlowes
HEMEL HEMPSTEAD
HP1 1LF

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR B W J BOSHER
APPLICATION NO: 4/0142/86

- As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for the extension of house to provide accommodation for 2 garages on 73.152 sq m of land adjoining 85 Tattershall Drive, Woodhall Farm, Hemel Hempstead, Herts. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 17 September 1986.
- The proposal involves the change of use of a section of public amenity open space at the top of the green to private garden, together with the erection of 2 linked garages. The site is physically separate from the existing house, so the garages would be free-standing and at right angles to the existing house.
- The existing property is within a modern housing estate. It has an integral garage and access to Tattershall Drive is southwards by means of a relatively long, L-shaped drive, which parallels the neighbour's drive.
- The garages would be constructed adjacent to your client's property on the southern-most section of an elongated rectangular area of public amenity green laid out as grass. The green slopes increasingly steeply down towards the north. The garages would thus be constructed across the top section of the green on a site of about 12.2 m by 6 m. The lower section of the green is fronted by over a dozen dwellings, several of which face directly up the slope towards the proposed garages site.
- From my reading of the representations and from what I saw on my site visit, I consider the determining issue in this case is whether the project would harm the appearance of the green.
- In my opinion, the green serves a beneficial dual purpose. In visual terms, it provides an attractive setting for the grouping of dwellings around it. In functional terms, on the evidence of several residents, the green provides a popular area for young children to play in supervised safety, in an area lacking generous provision for children's play space.
- In my view, the garages would be located in a prominent position at a focal point at the top of this attractive green, physically isolated from your client's

existing dwelling. The site is clearly visible from neighbouring dwellings, particularly those at the bottom of the slope, and the proposed garages would also be clearly visible from the green itself. I consider the garages would significantly erode the pleasant open character of the green where they would form a prominent and intrusive feature. The sloping nature of the site would increase the intrusive effect, by requiring a higher rear wall to the garages.

8. In addition, a significant proportion of the green would be removed from communal use, to the detriment of its function as play space.

9. You have drawn my attention to the evening and weekend parking demands generated by Mr Boshers family, which you say at times exceed the available parking on the site (within the existing garage or on the relatively long drive). These parking demands are unlikely to be permanent and do not appear to cause significant harm. On the other hand, the garages would be permanent in nature and would have a harmful impact. I do not consider that such short-term and temporary personal family requirements should override more long-term and wider felt considerations.

10. In conclusion, I consider your client's proposal would cause demonstrable harm to the appearance of the green and its usefulness as play space, to the detriment of the general amenity currently enjoyed by a considerable number of neighbouring residents. For this reason, the proposal should not be allowed.

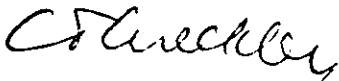
11. I have considered whether the imposition of conditions on the outline permission regarding the siting of the garages, their design, and requirements for landscaping and/or boundary walls and fences could make the proposal acceptable. However in my view, any development of garages on this site would draw the same objections.

12. In coming to this conclusion, I have considered the proposal on its merits. However, I have also borne in mind the possibility that were this appeal to be allowed it could create a precedent for similar harmful garage developments on amenity space elsewhere within the estate, which would then be more difficult for the local authority to refuse.

13. I have taken into account all the other matters raised in the various representations, but I consider none are as important as those above which have lead to my decision.

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

I am Gentlemen
Your obedient Servant



C J CHECKLEY BA(Hons) MRTPI
Inspector