



## Department of the Environment

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Council Ref: T.411/4/0150/80E

Mr M H Bower  
23 Whitwell Road  
GARSTON  
Hertfordshire

TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
19 AUG 1980	DATE
FILE No.	

Your reference

Our reference

T/APP/5252/C/80/389/G4

Date

15 AUG 1980

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9  
LAND AND BUILDING AT THE WYE COTTAGE, CHAPEL ROAD, FLAMSTEAD

1. I refer to your appeal, which I have been appointed to determine, against an enforcement notice served by the Dacorum District Council concerning the above mentioned land and building, I have considered all the representations made by you and by the Council, and I inspected the site on 28 July 1980.
2.
  - a. The date of the notice is 2 January 1980.
  - b. The breach of planning control alleged in the notice is failure to comply with a condition subject to which planning permission was granted on 9 May 1979 for a single storey extension at the rear of The Wye Cottage.
  - c. The condition which is alleged not to have been complied with is:
    2. No work shall be started on the development hereby permitted until details of materials to be used externally shall have been submitted to, and approved by, the Local Planning Authority, and the development hereby permitted shall be constructed in the materials so approved.
  - d. The requirements of the notice are to demolish the said single storey rear extension to the building on the same land.
  - e. The period for compliance with the notice is one calendar month.
  - f. The appeal was made on ground 88(1)(a).
3. In summary, the notice is being quashed and the condition is being discharged and replaced by another condition.
4. The Wye Cottage, formerly 2 cottages, is in an attractive part of the village, where the majority of houses are brick built, and a Conservation Area. It was obvious from what I saw that you have undertaken extensive restoration and improvement. The front of the cottage is constructed of red brick, with a good proportion of blue headers. The original north end of the cottage is of old dark red bricks which you describe as Old Reds. Attached to this end is a single storey pitched roof extension, the north end of which is of slightly lighter coloured bricks which you describe as Milton Halls. The tiles of this extension are generally similar to, and in keeping

with those on the main part of the cottage. You say, and it is not disputed, that the tiles on both sides of the roof of the extension are hand made tiles.

5. The extension with which your appeal is concerned is incomplete, so it is only possible to compare the bricks used with those of the adjoining extension, both of which can be seen from the road. I am satisfied that the bricks used so far are in no way out of keeping, either with the adjoining extension or with surrounding development, and see no reason to require that these works should be demolished. However, it is important to ensure by means of a condition that the remainder of the walls are completed in the same materials, and that the roof tiles match those of the adjoining extension. I am, therefore, discharging the present condition, but substituting another which is intended to achieve this purpose.

6. In discharging this condition (and of course quashing the notice) I should add that it was properly imposed for a necessary purpose, and I note that the present difficulty arises because you have overlooked the condition and not through any serious objection to it. However, I am satisfied that its purpose can now be achieved by other means. I have also considered all the other matters raised in the written representations, but can see no reason to reach any other decision.

#### FORMAL DECISION

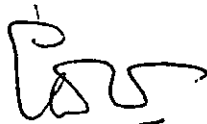
7. In exercise of the powers transferred to me and for the reasons given above I hereby allow your appeal, direct that the enforcement notice be quashed and discharge condition No 2 of the planning permission No 4/0301/79 granted on 9 May 1979 for a single storey extension at rear of the building, but substitute for it the condition that:

The bricks used in the walls so far completed of the extension hereby permitted shall continue to be used in its construction to roof level on each side and the roof tiles used shall be similar in pattern and colour to those used on the roof of the extension already erected under planning permission No 4/0264/78 dated 25 April 1978.

#### RIGHT OF APPEAL

8. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal to the High Court against the decision are enclosed for those concerned.

I am Sir  
Your obedient Servant



E D CREW CB DSO DFC MA FRAeS  
Inspector

ENCS