

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

IN THE COUNTY OF HERTFORD

To Mr. P. White Mr. P. S. Burdess
Wood Cottage 31 Ringshall
Hudnall Common Berkhamsted
Herts Herts

Alterations to garage to form ancillary residential
accommodation and erection of car port
at Wood Cottage, Coppice Close, Hudnall Common,
Little Gaddesden, 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
21.1.85. and received with sufficient particulars on
12.2.85. 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 lies in the rural area beyond the Metropolitan Green Belt on the
Dacorum District Plan where new dwellings will normally only be permitted
if essential for the needs of agriculture. The proposed garage conversion
amounts to the virtual creation of a detached dwelling unit for which no
essential need has been put forward. The proposal is therefore, contrary
to the established planning policies for the area.
(2) The proposed car port, constructed of corrugated plastic sheets on
metal tubes is of an unsatisfactory design and appearance and would
detract from the appearance of this part of the Chilterns Area of
Outstanding Natural Beauty.

Dated 4th day of April 19 85

Signed [Signature]

Chief Planning Officer

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, 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.
- (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.

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

Common Services

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CHIEF EXECUTIVE OFFICER	
24 FEB 1986	
File No.
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Cleared

Edge & Ellison Hatwell Pritchett and Co
Solicitors
Rutland House
148 Edmund Street
BIRMINGHAM
B3 2JR

Your reference

TP/White

Our reference

T/APP/A1910/A/85/037762/PB

Date

Ack.

C.P.O.	D.P.	21 FEB 86	S.C.	Admin	File
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Received

24 FEB 1986

Comments

SCHEDULE 9

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND
APPEAL BY MR P WHITE
APPLICATION NO:- 4/0162/85

- As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for alterations to garage to form ancillary residential accommodation and erection of car port at Wood Cottage, Hudnall Common, Hertfordshire. I have considered the representations made by you, the council and interested persons. I inspected the site on 16 December 1985.
- From my inspection of the site and surroundings and the written representations I consider that the decision in this case primarily turns on the impact that the proposal would have on its surroundings having regard to the council's policies for limiting the size of domestic extensions in the area.
- The appeal site lies in a well-wooded area situated off a private drive leading from Hudnall Common. This area is occupied by a number of large houses set in very extensive plots and is within the Chilterns Area of Outstanding Natural Beauty. The appeal property is outside the Metropolitan Green Belt in an area identified by the Hertfordshire County Structure Plan Alterations as predominantly rural and where planning policies in general seek to restrict all new forms of development unless required for agricultural or forestry purposes. Policies in the Structure Plan Alterations and the District Plan also seek to protect the Area of Outstanding Natural Beauty by preserving its natural beauty, landscape and wildlife and by paying special attention to the design and external appearance of new buildings. To this end the council in 1983 introduced a policy which tries to limit extensions to houses in the Area of Outstanding Natural Beauty to a proportion or percentage of their original size with the percentages graded in favour of the smaller dwellings.
- Your client proposes to convert an existing detached garage into living accommodation comprising living room, bath room, an upstairs bedroom and to erect a car port to replace the garage. The house was extended in 1976 by the erection of a small rear addition and by the conversion of the integral garage into living space and if this earlier enlarged accommodation is taken into account together with the current proposal then the total extensions to your client's house would exceed by between 30 and 40% that which the council's policy permits. In connection with the proposed conversion of the garage I note that the drawing that formed the basis of the planning application was not the one originally submitted for the consideration of your client's appeal but was in fact a later revised one numbered 042/D/L/01 revision C. I have of course used this later drawing as a basis for my decision.

5. I agree with you that the proposed conversion itself would have little direct impact on the surrounding area and I accept that the car port although of not perhaps the most appropriate design would be well screened by the house and garage and could not be easily seen from outside at all. Nevertheless I regard the council's policy of seeking to restrict the overall accumulations of buildings in the area to be justifiable bearing in mind the undoubted importance of conserving this Area of Outstanding Natural Beauty. It also seems to me that the system the council uses in limiting the sizes of extensions to a proportion of the original sizes of the dwellings is a reasonable one which allows house-owners some scope for extending their dwellings while at the same time preventing an accumulation of house enlargements in the area which ultimately would change its character.

6. In the case of your client's proposal you have argued that the earlier extension and changes to the house were carried out before the council's policy came into effect in 1983 and that therefore it should not apply. I take the view however that the council were not unreasonable in applying it. The policy is designed to counter the cumulative effect of extended properties in the area and your client's proposal would contribute to this. Also in my judgement the extension and conversion of the house in 1976 together with the proposal to convert the garage now seem to comprise precisely the kind of incremental addition of accommodation the policy was introduced to limit. The house was enlarged in 1976 by the previous owner to provide for the accommodation of relatives and now it is proposed to enlarge it yet again for the same purpose.

7. The council suggested that the garage could if converted be used as a separate dwelling and that this would be contrary to the Structure Plan Alterations policy of restricting new dwellings in the area unless they are needed for agricultural or forestry purposes. I note your response that there are no cooking facilities included in the proposed conversion and that the garage is too close to the house to be occupied as a separate dwelling but in my opinion the lack of cooking facilities in the building could easily be overcome and its proximity to the house would not necessarily prevent it from being used independently of it. Separate occupation of the garage would be most undesirable in my opinion because, quite apart from the council's policy objections, the garage is only about 6 m from the house and one of the new dormer windows would directly face first floor windows in the house.

8. In coming to a decision I have had regard to the recent Government Circular 14/85 "Development and Employment" in which it is stressed that development should always be allowed unless it would cause demonstrable harm to an interest of acknowledged importance. I take the view however that the council's policies for restricting development in the open countryside and in the Area of Outstanding Natural Beauty are of overriding importance in this particular case. The need to preserve the rural character of the countryside as part of our heritage is an important and long-standing objective of national policy. Your client's proposal although not of itself very extensive or harmful, would if permitted make it more difficult in my opinion for the council to carry out its policy of limiting residential extensions in the area. I consider that this policy deserves support in this particular case. Many of the houses in the area are surrounded by very large gardens and grounds and the commercial incentives for extending these houses are very great. If this were to happen to any great degree the character of the Area of Outstanding Natural Beauty could be changed considerably and to its detriment.

9. I have taken into account all the other matters raised in the representations but these have not been sufficient to override the considerations which have led me to the conclusion that the council were justified in applying their restraint policies in this particular case and that the proposal in this context is an undesirable form of development.

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

I am Gentlemen
Your obedient Servant

EB Williams

E B WILLIAMS, DipTP ARICS MRTPI
Inspector