

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

MR



DACORUM BOROUGH COUNCIL

To Mr A G Bellamy
11 Kingsdale Road
Berkhamsted
Herts

One Dwelling (Outline)
.....
.....
at 11 Kingsdale Road, Berkhamsted.....
.....

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 and received with sufficient particulars on26.1.89..... and shown on the plan(s) accompanying such application..

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

The proposed subdivision of the curtilage No. 11 represents an undesirable form of two tier backland development resulting in the creation of a restricted plot which would be served by a long and narrow means of access. The juxtaposition of the proposed dwellinghouse and its associated access to adjoining detached dwellinghouses would be detrimental to residential amenity and not accord with the Council's environmental standards for the following reasons:-

- (1) The adverse impact of vehicular movements along the long narrow and inadequate means of access upon Nos. 11, 13 and 14 Kingsdale Road by reasons of noise, disturbance and headlamp glare.
- (2) The limited degree of privacy associated with the residential curtilage of the proposed unit as a result of overlooking from "Gillams" referred to on Drawing No. 4/0168/89 arising from the cramped relationship between the two units.

Dated day of 19

Signed..... *[Signature]*

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.

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Ref. 4/0168/89

- (3) The carriageway width serving No. 11 Kingsdale Road and the proposed dwellinghouse would be less than 4.1 metres for its whole length and therefore not accord with Table A of Hertfordshire County Councils publication "Residential Roads in Hertfordshire (1982)".
- (4) There is a lack of information to indicate that the access shown on Drawing No. 4/0168/89, (which would be required for service vehicles in addition to domestic vehicles) could be provided due to the site levels.
- (5) There would be less than 5 metres between the front of the proposed garage to serve No. 11 Kingsdale Road and the shared access.
- (6) The proposed house would represent a cramped form of development with insufficient space about the building, out of character with the surrounding properties.

Dated 28 day of April 1989

Signed 
Chief Planning Officer