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CHIEF EXECUTIVE OFFICER	
29 APR 1988	
File No.
Refer to	CPO 29/4
Cleared

[Handwritten signature]

Mr R Gold
33 Huntinggate
HEMEL HEMPSTEAD
HP2 6HJ

Your reference

[Handwritten initials: JRB]

Our reference: PLANNING DEPARTMENT T/APPEALS/10/4/87/079803/P4					
Date: 28 APR 88					
Ref.			Ack.		
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received 29 APR 1988					
Comments: ONE SCHEDULE 9					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36
APPEAL BY MR S AKERY
APPLICATION NO: 4/0173/87

- 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 planning permission for alterations and extensions at The Paddock, Hudnall Lane, Little Gaddesden, Hertfordshire to form an annex and erection of double garage. I have considered the written representations made by you, by the Council, Little Gaddesden Parish Council and also those made to the Council by other interested persons. I inspected the site on 22 February 1988.
- From my inspection of the site and surroundings and from the representations made, I consider the main issues in this case are whether in the context of prevailing planning policies the creation of a separate dwelling would have an adverse effect on the character and appearance of the area and whether it would harm the amenities of the existing dwelling.
- The appeal site lies within the village of Little Gaddesden on the south-east side of Hudnall Lane, close to its junction with Nettleden Road. The site is occupied by a 2-storey, brick built chalet style bungalow with integral double garage set in an extensive garden. The dwelling lies within a row of mainly modern dwellings that adjoin this side of Hudnall Lane. Hudnall Lane is a country road, providing access to the village from the A4146 and has no footways.
- The site lies within the Chilterns Area of Outstanding Natural Beauty, within an Agricultural Priority Area and within a Conservation Area. The area has been defined in the approved Hertfordshire County Structure Plan as a Rural Area outside the Green Belt where development will not normally be permitted except in very special circumstances. Little Gaddesden has not been identified in the adopted Dacorum District Plan as a village wherein small scale residential development will be permitted and has not been identified in the submitted Review of the Approved Structure Plan as a settlement where future housing demands will be met.
- The scheme involves the enlargement in height and depth of the existing garage to provide additional living accommodation, the erection of a replacement double garage and various external alterations, necessitated by the revised floor plans. I have noted that similar physical alterations, minus garage and a second front door are within permitted development rights and that the Council issued a Section 53 determination to this effect on 22 October 1987.
- Your scheme also involves the subdivision of the enlarged dwelling into 2 separate units in order to provide self-contained accommodation in the new,

smaller unit, for your client's parents. This annex has its own front door but would be linked to the main dwelling at ground and first floor levels by doors in the partition walls between annex kitchen and the dining room of the main dwelling and between 2 bedrooms. The units would share the garden, the driveway and the same parking facilities.

7. I appreciate that your client wishes to use the annex to accommodate his parents. However, I consider that at some future date, it would be quite feasible for the new accommodation to pass into a different ownership from that of The Paddock, with the result that the appeal site would contain 2 separate dwellings, instead of the one that currently occupies the site. The creation of a separate dwelling is clearly contrary to the strict policies of restraint on new development in this area and I would agree with the Council that your client has not demonstrated an exceptional case or an immediate housing need in accordance with the district plan policies. Nevertheless, I do not consider that this policy objection is of itself sufficient reason to refuse the grant of planning permission.

8. I have noted that your client has offered to enter into a legal agreement with the Council, whereby the property is converted back to a single occupancy dwelling prior to future sale of the property or transfer of ownership. However, the Council has stated that it is not prepared to accept an agreement in this case, being mindful of advice contained in Circular 1/85. Having regard to this Circular and bearing in mind the prevailing issues of this case, I do not consider that a condition could appropriately be applied to control occupancy of the annex by your client's parents.

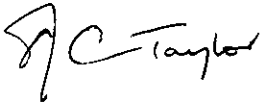
9. With reference to the first issue, I find that your scheme would involve modest changes to the external appearance of the existing dwelling and that the new garage would not be visible either from the road or from the fields behind. I therefore consider that the proposal would not adversely affect the character of the Area of Outstanding Natural Beauty or Conservation Area. The intensity of use of the site may increase, but in view of the spacing of buildings and the large gardens in this area, it is unlikely that there would be an unacceptable increase in disturbance to neighbours by way of intensified use of driveway or garden. I have noted that the access into Hudnall Lane is not easy due to poor visibility caused by lack of footway and the garden hedge, but consider that the small increase in movements that may be generated is unlikely to prove hazardous on road safety grounds. I therefore conclude that your scheme would not seriously prejudice the character and appearance of the area in general.

10. Concerning the second issue, I consider that it would be possible to subdivide the plot into separate units providing planning permission was obtained for a new vehicular crossover. Subdivision at the rear of the property should not cause difficulties but it would not be possible to create satisfactory access to the front door of the annex if a boundary enclosure was to be erected between this door and the kitchen window of the main dwelling without re-arrangement of the ground floor plan. Access to the garage accommodation would be precluded by such subdivision and alternative driveway and parking facilities would need to be created. First floor windows of the annex would directly overlook the front and back gardens of the main dwelling, which in my opinion would produce, an unacceptable loss of privacy, currently enjoyed by occupants of the main house. Similarly, first floor windows of the existing dwelling would overlook front and rear gardens of the annex. I therefore conclude that creation of a separate dwelling would cause problems of seclusion and privacy. These objections, in my opinion, are of such force that planning permission should not be granted for your client's proposals.

11. I have taken into account all other matters raised in the representations but none are of sufficient weight to override those issues that have led me to my conclusion.

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

I am Sir
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'M C Taylor'.

M C TAYLOR BSc DipTP MRTPI FRGS
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr S Akery
The Paddock
Hudnall Lane
Little Gaddesden

Mr R Gold
33 Hunting Gate
Hemel Hempstead

.... Alterations and extension to form self contained.....
.... residential annex; Erection of double garage
at "The Paddock", Hudnall Lane, Little Gaddesden.....
.....

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 dated2 February 1987..... and received with sufficient particulars on6 February 1987..... 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 a rural area beyond 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 or 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 is not supported by evidence of local need sufficient to satisfy Policies 3 and 4 of the adopted Dacorum District Plan.

Dated30th..... day ofApril.....19..87..

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.