

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

Common Services

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Telex 44932

CENTRAL EXECUTIVE
OFFICE
11 SEP 1986
CPO 11/9



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Ref.	Ack.
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Dick Butcher Esq Chartered Architect 8 Skyswood Road ST ALBANS Hertfordshire AL4 9NZ	C.P.O. RTBA	D.P.	D.C.	B.C.	Admin.	File Your reference
17778						Our reference
Received 11 SEP 1986						T/APP/A1910/A/86/48934/P4
Comments						Date 10 SEP 86

~~1) MB~~
~~2) JEB~~
3) JOANNE
4) TEAM 2

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS T CLARKE
APPLICATION NO: 4/0182/86

- I have been appointed by the Secretary of State for the Environment to determine your clients' appeal against the decision of Dacorum Borough Council to refuse planning permission for the erection of extensions to 9 College Close, Flamstead, 'to provide enlarged bedroom, en-suite bathroom, dining area, utility room and porch'. I have considered the written representations made by you and by the council; I inspected the site and its surroundings on 27 August 1986.
- No 9 College Close is a detached bungalow, having an upper floor within the roof which has a symmetrical pitch of about 50° to a ridge parallel to the front and rear elevations. The appeal scheme comprises several elements, but the council's objection is solely to the appearance of the intended rear extension. From consideration of the representations and my inspection, I too believe that there can be no objection to the other elements of the scheme and that this appeal turns on whether or not the proposed rear extension would be unsightly, particularly in its impact on a nearby conservation area.
- College Close is faced by post war residential development comprising a variety of terraced, detached and semi-detached houses and a number of bungalows including No 9. The Flamstead Conservation Area includes parts of the back gardens of No 9 and 2 nearby bungalows, but not the buildings themselves. The conservation area is typified by older buildings having roof pitches of about 40° and more.
- The works in contention would result in a new 2 full storey height rear wall, some 1.8 m behind the original main wall of the bungalow. The rear half of the resulting roof would have a pitch of some 22°, falling from the existing ridge line to the eaves above the new rear wall.
- These works would have little or no impact on the appearance of College Close. Nor, in my opinion, would they significantly harm the character or quality of the conservation area. The rear of 9 College Close can be seen from a number of places within the conservation area; but to my eye, at any rate, this building does not relate closely to the latter's built form - rather it is in every sense a part of the post war development around College Close. Viewed face on or even slightly obliquely, the new rear elevation would simply appear to be that of a conventional modern house not dissimilar to others in College Close. The building would be bigger, but no higher than at present. Only from a limited number of positions would the asymmetry in the roof be apparent, softened and in part screened by trees, shrubs, boundary fences and other buildings. Even to the extent that the gables


could be seen, I consider that they would not be altogether out of place on this modern building. The existing building, a chalet bungalow including a modern style dormer window in the rear roof elevation, is hardly in keeping with the more traditional buildings in the conservation area. But I found the bungalow to have little visual impact on the older area behind it, and I believe that this would be little changed by what is proposed.

6. In considering this appeal, I have had regard both for policy in the council's district plan aimed at protecting the quality of design in general and the conservation area in particular, and also for government advice in DOE Circulars 22/80 and 31/85. I do not see any conflict. The circulars recognise that it can be important to control the external appearance of development, especially in environmentally sensitive locations including conservation areas. I am however reinforced in my conclusions by the circulars' advice: opinions could vary regarding your design for 9 College Close, but only I believe as a result of differing individual subjective tastes. To put the matter no stronger, it seems to me that this design (which has been professionally prepared) cannot be rejected for being in any sense 'obviously poor' either in relation to the conservation area or to the nearby buildings in College Close. I have taken all the other matters raised into account, but found them insufficient to change my conclusion that no clear cut objection to the development has been demonstrated.

7. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of extensions 'to provide enlarged bedroom, en-suite bathroom, dining-area, utility room and porch' at 9 College Close, Flamstead, in accordance with the terms of the application (No 4/0182/86) dated 28 January 1986 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

8. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



A J LANGTON CEng MICE MIHT
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

AJP

DACORUM BOROUGH COUNCIL

To Mr and Mrs T Clarke
9 College Close
Flamstead
Herts

Dick Butcher RIBA
8 Skyswood Road
St Albans
Herts

..... First floor rear extension and single storey.....
..... side extension.....
at 9 College Close, Flamstead.....
.....

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 3rd February 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 proposed first floor extension by reason of its bulk and mass is considered unsympathetic to the character of the existing dwelling and would be detrimental to the environment of the locality.

Dated 25th day of March 19 86 ..

Signed *Wim Bamford*

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.