

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To D. Lucas, Esq.,  
170 Chambersbury Lane,  
Hemel Hempstead,  
Herts.

... One dwelling (bungalow) and garage - Outline .....  
.....  
at .... Adj. 120. Chambersbury Lane, Hemel Hempstead, 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 ..... 11. February 1986 ..... and received with sufficient particulars on ..... 12 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 development would represent over-development of this particular site, affect adversely visual and general amenities and detract from the character of the area.

Dated ..... 2 ..... day of ..... April ..... 19 86 ...

Signed ..... *W. 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.

18279

Department of the Environment and  
Department of Transport

Common Services

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CHIEF EXECUTIVE  
OFFICER

27 OCT 1986

File Ref. ....  
Referred to ... 27/10 CPO  
Referred



JMS  
JCS  
JOANNE  
TEAM 1.

David Lane Esq  
Planning Consultant  
13 Ibstone Avenue  
Bradwell Common  
MILTON KEYNES  
MK13 8BD

Your reference

Our reference: T/APP/A1910/A/86/51296/P2  
DACORUM DISTRICT COUNCIL

Ref. Date				Ack.	
24 OCT 86					
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received 27 OCT 1986					
Comment: 9					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND  
APPEAL BY MR D LUCAS  
APPLICATION NO: 4/0191/86

- I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of a 2 bedroom detached bungalow and garage on land adjoining 120 Chambersbury Lane, Hemel Hempstead.
- I have considered the written representations made by you, by the council, by Nash Mills Parish Council and also those made by interested persons. I inspected the site on 8 September 1986. As a result of all these matters I find that my decision turns on the impact of your client's proposal on the surroundings.
- The planning application giving rise to this appeal is for consent in outline and I regard drawing No. 2 - scale 1:100 showing the siting of the proposed dwelling and garage, plot boundaries and the position of a tree as indicating what might be achieved on this site.
- The appeal site is part of the rear garden of No. 120 Chambersbury Lane a 3 bedroom detached house occupying a corner plot in a residential area. The general residential nature of the area is set by the pattern of housing which is in the main detached, semi-detached and short terraces of 2-storey dwellings.
- Details of the orientation of No. 120, plot sizes, ground cover and garden land which are given on behalf of your client are not contested but I am satisfied that the sub-division proposed in this development would result in 2 residential curtilages significantly smaller than the norm hereabouts. That, in my opinion, would give an unbalanced effect to No. 120 which is alien to the pattern of existing development in the locality. The absence of a rear garden, whilst it might suit the present occupants, would also inhibit the full use of the 3 bedroom house as a suitable family home.
- In visual terms a bungalow on the appeal site gains from the open land to the east but it is neither practical nor desirable to limit occupation of the new bungalow to the elderly and its ordinary use as a residential unit is likely to adversely affect the amenities which the occupants of No. 120 and No. 118 could reasonably expect to enjoy by noise and disturbance.
- I have taken into account all other matters raised in the submissions, the need to make the best use of building land in residential areas and the advice given in government Circular 14/85 but none are sufficient to overcome my conclusion that there are material planning objections to this proposal.

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

I am Sir  
Your obedient Servant



E GREEN  
Inspector