

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF **DACORUM**

IN THE COUNTY OF HERTFORD

To Commission for the New Towns,
Swan Court,
Waterhouse Street,
HEMEL HEMPSTEAD,
Herts.

2 dwellings
.....
.....
at adj. 22 Bunkers Lane and 1 Longdean Park,
.....
... Hemel Hempstead.

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 13th February, 1981, and received with sufficient particulars on 16th February, 1981, 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 on this prominent wooded site and the inevitable loss of trees would be seriously detrimental to amenity.

Dated 9th day of April, 1981.....

Signed..... *Colin Barnard*

Designation 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, Whitehall, London, S.W.1.) 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.

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Swan Court
Waterhouse Street
HEMEL HEMPSTEAD
Hertfordshire
HP1 1DU

Your reference

AEA/LG

Our reference

T/APP/5252/A/81/12553/G7

Date

12 JAN 1982

For the attention of Mr A E Archbold FRICS, Principal Officer

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0196/81

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of 2 houses on land at Bunker's Lane, Hemel Hempstead. I have considered the written representations made by you and by the District and Parish Councils, together with those made by interested persons. I inspected the site on 30 November 1981.
2. From the representations made and from my inspection of the appeal site, I consider that the main issue to be decided is whether the proposal would harm the appearance or character of the locality to an extent sufficient to justify the refusal of planning permission.
3. The council have objected to the proposed development principally on the ground that the erection of 2 houses would have an undesirable impact on amenity and on the rural quality of the area. The development would in the council's opinion lead to the loss of woodland which has been designated as open space in a series of development plans. The woodland is subject to a recent provisional Tree Preservation Order. The Nash Mills Parish Council and several local residents have expressed support for the council's case.
4. You point out that the site was retained by the Commission specifically because of its suitability for residential development. You suggest that 2 houses could be built without affecting any of the more mature trees, particularly the 5 oaks which you say the Commission has no intention of felling. As part of your case, you maintain that only 9 small trees or saplings would be removed to enable the development to proceed and that taking into account the 70 or so trees that have been planted the proposal would not have any serious effect on the amenity of the neighbourhood. You also state that the Commission were not aware of the designation of the site as open space in the District Plan; had this been known an objection would have been made.
5. I observed that the appeal site slopes up from the eastern boundary. Immediately adjacent to this boundary there is a wide grassed embankment forming a verge to Bunker's Lane. The site is heavily wooded, although towards the north-west there is a fairly open area containing only a few trees and shrubs. To the west the boundary of the site is physically undefined and the vegetation merges with a belt of woodland extending north-westwards.

6. The application subject to this appeal was made only in outline, although you have submitted an illustrative plan showing how the Commission intend to develop the site. From this plan and my own observations on the site, it appears that it might be possible to construct 2 dwellings, together with an access drive and garages, while removing only about 9 young trees. The remaining vegetation would partially screen the proposed buildings from view, but whatever the precise siting of the houses, they would occupy fairly prominent, elevated positions. Moreover, even if the houses could initially be constructed without directly affecting any more than a few young trees, it would in my view be difficult to prevent the later lopping or felling of further trees to increase the supply of daylight and sunlight to the dwellings and their gardens. In my opinion the trees and shrubs within the site form an attractive landscape feature separating 2 residential areas and imparting a semi-rural atmosphere to the immediate locality. Taking into account the factors just described, I consider that the proposal would detract from the appearance and character of the area.

7. In deciding the strength of this objection, I must have regard to underlying policy considerations. The appeal site was apparently designated as open space or woodland in the County Development Plan, a designation which remained in the non-statutory review document "Hertfordshire 1981" and again in the new District Plan. The District Plan has reached an advanced stage, having passed through a public inquiry. Given this background it seems to me unlikely that the open space allocation of the site has arisen simply through a draughting error, as you suggest. On the contrary, I believe that there is a sound policy basis for preventing the development of the land. You do not claim that there is a particularly pressing need for housing in this part of Hemel Hempstead and I can see no other exceptional factors which might necessitate a departure from the council's established policy. The objections which I have described above are therefore strengthened and I conclude that the refusal of planning permission is justified.

8. I have taken into account all the other matters raised, but none of them outweighs the considerations which have led to my decision.

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

I am Sir
Your obedient Servant



G F SELF, MA MSc MRTPI
Inspector