

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

SG



DACORUM BOROUGH COUNCIL

To British Ornithologists Club  
36 Chestnut Lane  
Sevenoaks  
Kent TN1 3AR

Ian E Howard FRICS  
15 Temple Street  
Aylesbury  
Bucks HP20 2RN

..... Detached house, pair of semi-detached houses and  
..... detached garage (outline).  
at Land between 4 and 14 Beaconsfield Road, Tring.  
.....

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 ..... 8. February 1990 ..... and received with sufficient particulars on ..... 12. February 1990 ..... and shown on the plan(s) accompanying such application..

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

The site is of insufficient width to accommodate the proposed development, which would appear cramped and not in keeping with the general character and amenity of the area.

Dated ..... 10th ..... day of ..... May ..... 19 90

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 the date 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.



# Planning Inspectorate

Department of the Environment

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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL			
Ref.		Ack.	Your Reference
CROITCDA Honorary Secretary		Admin.	File
Received <b>11 JAN 1991</b>		Our Reference PAPP/A1910/A/90/170501/P5	
Comments		Date <b>10 JAN 91</b>	

Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY BRITISH ORNITHOLOGISTS CLUB  
APPLICATION NO: 4/0204/90

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission to erect one detached house and one pair of semi-detached houses, plus a replacement garage for No 4, on land between Nos 4 & 14 Beaconsfield Road, Tring. I have considered the written representations made by you and the Council and also those made by Tring Town Council. I have also considered the representations made by interested persons, including those made at application stage. I inspected the site on 28th December 1990.
- From my inspection of the site and its surroundings, and from the representations made, I consider that the main issue in this case is whether the appeal proposals would constitute an unacceptably cramped form of development, out of keeping with the character and appearance of the area or detrimental to the living conditions of adjoining residents.
- The appeal site is an area of garden land located within an otherwise fully developed road frontage. There are a variety of dwelling types in Beaconsfield Road, comprising a mixture of detached and semi-detached dwellings, most of which are 2-storey. Although plot widths vary considerably, the majority at this end of the road are quite narrow, many of them being less than those now proposed.
- You have submitted an illustrative drawing which indicates that the site could accommodate three, 4 bedroom dwellings, each with integral garages and space for the parking of 2 additional vehicles and there would be a space in the region of 1m between the detached house and the pair of semis, and between the development and the site boundaries. Whilst I consider that this amount of space to the side of the dwellings is the minimum that would be required for access and maintenance, and would produce a dense form of development, I do not consider that this would be out of keeping with other development in the road or appear unacceptably cramped in this context.
- The need to provide garages and parking spaces would necessitate the new dwellings being set back on the site, behind their neighbours, and the

suggested design emphasises this by setting the remainder of the house further back and hence projecting behind the neighbouring property at No 14. Whilst this rearward projection would be unlikely to cut out any light to the rear of No 14, it could appear somewhat overbearing and I consider that the effect on this neighbouring property should be taken into consideration in the preparation of detailed plans. However, I am satisfied that this number of dwellings could be erected on the site without unacceptably detracting from the living conditions of adjoining residents.

6. The Council have suggested a number of conditions in addition to the standard conditions in respect of submission of details and time limits. Since the proposal is in outline I consider that the siting of the garages and parking spaces can be dealt with at a later stage and I do not consider it necessary to impose a limitation of three dwellings only since this is specified in the application. I have however imposed conditions requiring the submission of details of fencing and the provision of visibility splays.

7. I have taken into account all other matters raised but none on these are of sufficient importance to outweigh the material considerations that have led me to my decision.

8. For the above reasons and in exercise of powers transferred to me. I hereby allow this appeal and grant outline planning permission to erect one detached house and one pair of semi-detached houses, plus replacement garage for No 4, on land between Nos 4 & 14 Beaconsfield Road, Tring in accordance with the terms of the application No 4/0204/90 dated 8th February 1990 and the plans submitted therewith, subject to following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority  
b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter.
2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. none of the dwellings shall be occupied until details of the treatment of all external boundaries have been approved and any walls or fences erected in accordance with such details.
4. none of the dwellings shall be occupied until visibility splays 2.4m by 2.4m have been provided on each side of the proposed accesses and there shall be no obstruction to visibility between 600mm and 2.0m above the carriageway level.

9. An applicant for any consent, agreement or approval required by a condition of this permission, and for approval of the reserved matters referred to in this permission, has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

10. This letter does not convey any approval or consent which may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

I am Madam  
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'B A Whitbread', written in dark ink.

B A WHITBREAD DipTP MSocSci MRTPI  
Inspector