

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning Ref. No. 4/0220/75

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Other Ref. No. 342/75D

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mr. H. A. Francis,
'Greenslopes',
35 High Ridge Road,
Hemel Hempstead,
Hertfordshire.

Bungalow and Garage.

at Land rear of 35 High Ridge Road, 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 6th March, 1975 and received with sufficient particulars on 7th March, 1975 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 an area shown on the County Development Plan and proposals in 'Hertfordshire 1981' where 'Green Belt' policies apply i.e. not to allow development unless required for agricultural or other special purposes and no justification has been made in this case.
- (2) Access to the proposed development is via a private street which is the sole means of access to a school and there would be a potential danger to children by reason of additional traffic.

Dated SEVENTH day of MAY 1975

Signature of Director of Technical Services.

Designation

see Richard.
Re info on labels

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Dated SEVENTH day of MAY 1975

Director of Technical Services.

Designation

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.



Department of the Environment
Caxton House Tothill Street London SW1H 9LZ

Telephone 01-834 8540 ext 235

Messrs Poulter and Francis
57 Marlowes
HEMEL HEMPSTEAD
Herts
HP1 1LE

Your reference
BF/JMM
Our reference
T/APP/5252/A/75/5038/G7
Date

8 DEC 1975

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 2
APPEAL BY H A FRANCIS ESQ
APPLICATION NO:- 4/0220/75 *342/75D*

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a bungalow and garage on land at the rear of 35 High Ridge Road, Hemel Hempstead, Herts.
2. I have considered the written representations made by you, the council and other interested persons and I inspected the site on Wednesday 29 October 1975. As a result I have come to the conclusion that the determining issue in this case is whether the development proposed would constitute an acceptable addition to existing dwellings in an established residential area, or an unacceptable encroachment upon land to which green belt policies apply.
3. The appeal site is located on the south-eastern edge of a residential area which projects from the south-western periphery of Hemel Hempstead; the residential area was originally bounded on the south-east by open pasture, but a school is now under construction whose site, which immediately abuts the appeal site, forms an obstruction into the original countryside. The presence of the school will, in my opinion, result in increased pressure for further residential development in its vicinity which, if permitted, would result in an unfortunate erosion of the inner edge of rural land which is subject to green belt policies. I therefore fully support the policy of the local planning authority in severely restricting development that would otherwise push the limits of existing development into the surrounding rural countryside.
4. However, in my view the appeal site does not fall within the rural countryside but is within the physical boundaries of the established residential area. It has sufficient frontage to a newly constructed road to afford satisfactory access to the bungalow and garage proposed, it forms part of the garden of the existing bungalow No. 35 High Ridge Road and, most significantly, it is separated from the open pasture to the south-east by a belt of trees and a hedgerow. The belt of trees, which continues along the boundaries of the back gardens of Nos 49-59 (odd) High Ridge Road, in my opinion constitutes the physical limit of the residential area and a visual barrier between the developed area and the open country beyond.
5. I have carefully considered the question of the safety of schoolchildren should the development proposed be approved. I do not consider, however, that the small amount of traffic that would be generated by one bungalow would pose a significant

degree of danger to the schoolchildren, as adequate sight lines can be provided, and I have no doubt but that the access road will be used by other motor cars setting down and picking up children.

6. I have considered all the other matters raised in the written representations, but do not find them to be of sufficient weight to affect the considerations that have led me to these conclusions.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a bungalow and garage on land at the rear of 35 High Ridge Road, Hemel Hempstead, Herts in accordance with the terms of the application (No. 4/0220/75) dated 6 March 1975 and the plans submitted therewith, subject to the 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 referred to as "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 not later than 3 years from the date of this letter;
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

8. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

9. 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 Gentlemen
Your obedient Servant

P J Roberts

P J ROBERTS FRICS
Inspector