

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr. & Mrs. T. Denton
25 Oakwood
Berkhamsted

CGB Partnership
The Dower House
108 High Street
Berkhamsted

Detached House (Outline) at 25 Oakwood, Berkhamsted	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 9.2.87 and received with sufficient particulars on 16.2.87 and shown on the plan(s) accompanying such application.

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

- No. 25 is one of several spaciouly designed house plots featuring rear gardens facing onto Shootersway which are well screened from this road frontage by an established belt of preserved trees which valuably contribute to the visual amenity of the locality. The proposal would represent the undesirable subdivision of the residential curtilage of No.25, detracting from the spacious and secluded local environment through the establishment of a new housing frontage onto Shootersway which would prejudice the future of the belt of trees in the vicinity which are statutorily protected.
- If this form of development were to be repeated on similar plots to the east of the present site, it would have a marked and seriously adverse impact on the character and visual amenity of the area.

Dated fifteenth day of April 19 87

Signed *W. B. ...*

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.

5 FEB 1988

File No.

Route No. *po sh*

Clerk No.

23710

Department of the Environment and Department of Transport

Common Services

Room 1417 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927

Switchboard 0272-218811

GTN 2074



des
2)RB. 116

C G B Partnership
The Dower House
108 High Street
BERKHAMPSTEAD
Hertfordshire
HP4 2BL

Your reference

Our reference TOWN AND COUNTRY PLANNING DEPARTMENT T/APB/1910/A/87/73595/P4 DACORUM BOROUGH COUNCIL					
Ref.	Date				Ack.
	4 FEB 88				
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received - 5 FEB 1988					
Comments 36 AND SCHEDULE 9					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR & MRS T DENTON
APPLICATION NO: 4/0221/87

- As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for a detached house at 25 Oakwood, Berkhamstead. I have considered the written representations made by you and by the council and also those made by Berkhamstead Town Council and interested persons. I inspected the site on Monday 7 December 1987.
- I find that the principal issues in this case are whether or not your clients' proposed development would have an adverse effect on the character and visual amenity of the surrounding area and whether or not it would prejudice the future of the existing tree belt which is an important feature of the area.
- The planning policies the council consider relevant to this appeal are those contained in the Dacorum District Local Plan adopted in 1984 giving guidelines for new development and for the protection of trees.
- Your clients' application is for outline planning permission. It is accompanied by Drawing No 8703/01 showing how a new house could be built on the appeal site, which existing trees would be affected and that vehicular access would be obtained from Shootersway at its junction with a lane which is also a bridleway.
- In my opinion your clients' proposed development would have an adverse effect on the appearance and character of the surrounding area. It is national policy to make the best possible use of urban land for residential development and also to protect the environment. The effect new development would have on the environment is a material consideration.
- The character of the surrounding area is derived from detached houses and bungalows built on large plots, particularly the houses built in Oakwood. To subdivide one of these plots, as your clients propose, would have a significant effect on the character of the area and on the amenities of the occupants of the adjoining houses by causing overlooking, overshadowing and loss of outlook.
- The proposed house would necessitate the removal of 2 trees and in August 1987 the council permitted these to be removed subject to the planting of replacement trees.

The house would not have a direct effect on the existing tree screen on the south side of Shootersway but having established in principle that building plots in the area can be sub-divided for new development it would be difficult to resist the sub-division of nearby plots which would prejudice the future of the tree belt.

8. I have taken all the other matters raised in the representations into account including the possible interference with the use of the bridleway and reach the decision that the determining issue in this case is the detrimental effect your clients' proposed development would have on the character and residential amenity of the surrounding area.

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

I am Gentlemen
Your obedient Servant

James L. Grant

JAMES L GRANT BArch ARIBA FRTPI
Inspector