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CHIEF EXECUTIVE  
 OFFICE

30 SEP 1988

File No. ....  
 Refer to Ch. 30/9  
 Cleared .....

Consultant Planning Group  
 256 King Street  
 Hammersmith  
 LONDON  
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Dacorum Borough Council	
Received	30 SEP 1988
Comments	

Our reference:  
 T/APP/A1910/A/88/93328/P3

Date: 27 SEP 88

*JDN*  
*JAS*  
*JRB*

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY MR AND MRS W HEEPS  
 APPLICATION NO: 4/0229/88

- I have been appointed by the Secretary of State for the Environment to determine the above appeal, which is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a 2-storey dwelling at Jollivers, Longcroft Lane, Felden. I held a hearing into the appeal on 16 September 1988.
- Jollivers is a 2-storey detached house on the north side of Longcroft Lane on the western edge of Felden and within the Metropolitan Green Belt. This part of Felden consists of loose-knit development of substantial detached houses fronting Longcroft Lane, interspersed with undeveloped areas. Although the agricultural land to the west and south is mainly open in character, there are areas of woodland to the north and north-west, and Longcroft Lane itself is well treed. The appeal proposal involves the erection of a 2-storey extension on the eastern side of Jollivers, close to the trees on the boundary with the neighbouring property, Felden Oak.
- From what I was told at the hearing and my inspection of the site I am of the opinion that the principal issue in this case is whether the proposal can be justified in terms of the restraint policies associated with the Green Belt status of the area.
- Policy 4 of the approved Dacorum District Plan provides that development in the Metropolitan Green Belt will be limited to that required for essential uses appropriate to the rural area, including agriculture, forestry, leisure and local services, or for the service needs of individual settlements. Justification in these terms is not sought in this case. The objectives of this policy of severe restraint are the preservation of existing areas of open countryside and the protection of the landscape from inappropriate development.
- In applying this policy the Council recognises the reasonable desires of householders to extend their properties to provide additional accommodation. To provide guidance in consideration of such proposals, the Council has adopted a policy guideline. Whilst allowing for extensions needed to provide basic amenities, which is not applicable in this case, the guidelines indicate the extent to which dwellings will be allowed to extend to reflect these desires. Even allowing for the demolition of the garage which is on the site of the proposed extension, the appeal proposal involves more additional floorspace than accepted by the guidelines. Moreover, part of a previous permission to extend the property has not yet been implemented. Although the guidelines pre-date the District Plan and are not specifically referred to in the

Plan, I consider that they are of assistance in dealing with this case.

6. The proposal would clearly represent a significant addition to the amount of living accommodation in the house, extending the number of bedrooms from 4 to 6 with a corresponding increase in its potential for occupation and for additional residential activity in and near the house. Furthermore, the proposal would cause an increase in the bulk of the building, adding a further 2-storey element to the existing house. This additional element would be most noticeable from Longcroft Lane at the front of the house, where the existing gap between Jollivers and the trees on its eastern boundary would be filled by the extension. At present, the garage occupies this position, and its low height maintains a visual break between the house and the boundary trees. If the appeal extension were to be built in this position this visual break would be lost; the relationship between the extended house and its heavily-treed boundary would be more intimate than elsewhere in the vicinity and would thus appear more cramped than might otherwise be expected in this rural location.

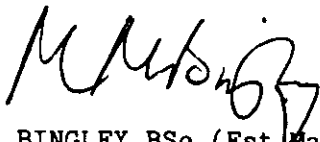
7. From the footpath across the open farmland to the west, much of the appeal extension is hidden behind the existing bulk of the house. However, viewed from further to the west and north-west, where there are other public footpaths, the extension would be more easily seen; in particular, the pitched roof of the extension would add to a greater or lesser extent to the overall bulk of the house when seen from various viewpoints to the west.

8. Although I accept that the appeal extension would be substantially screened from view by the existing building and the trees in the immediate vicinity, I consider that any consolidation of the existing group of buildings on this edge of this scattered settlement would be harmful to the objectives of Green Belt policy. The addition to the mass of the property involved in this appeal which, as I say, would be perceived from a limited number of surrounding viewpoints, would increase the prominence of the village in the landscape, however marginally, and affect the generally undeveloped character of that landscape. From Longcroft Lane, the close visual relationship between the house and its boundary that would result from the proposal would be more appropriate to a built up area than a scattered settlement in a rural situation, and would again have an effect on the character of this part of the village. Because of these effects, I have concluded that there is insufficient justification for allowing the proposal in the light of the objectives of Green Belt policy, and that the presumption against development in the area should thus prevail.

9. In arriving at this conclusion I have taken into account all the other matters raised at the hearing but find nothing to override it. In particular I have noted what was said about the permitted extensions to other properties in the immediate vicinity, and as you know I looked at them on my site inspection. Whatever the circumstances leading to the grant of permission in these cases, I have assessed the current proposal on its individual merits against the objectives of Green Belt designation; for the reasons I have outlined above, I have concluded that it is unacceptable and that the existence of other extended properties in the area does not outweigh this conclusion.

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

I am Gentlemen  
Your obedient Servant



M M BINGLEY BSc (Est Man) ARICS  
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr D Franzini - Consultant Planning Group, 256 King Street, Hammersmith, London

Mrs J Davies - Consultant Planning Group, 256 King Street, Hammersmith, London

FOR THE PLANNING AUTHORITY

Miss A Bochnacki - Planning Officer, Dacorum Borough Council

INTERESTED PERSON

Mr W Cantlay - Felden Oak, Longcroft Lane, Felden

DOCUMENTS

Document 1 - List of persons present at the hearing

Document 2 - Letter of notification and circulation list

Document 3 - Extracts from Dacorum District Plan

Document 4 - Guidelines for extensions to dwellings in areas subject to rural planning policies

Document 5 - Appeal decision letters

PLANS

Plan A - Application plan for 4/0229/88: HHF 400A site layout

Plan B - Application plan for 4/0229/88: HHF 101A existing floor plans

Plan C - Application plan for 4/0229/88: HHF 401A proposed floor plans

Plan D - Application plan for 4/0229/88: HHF 403A proposed elevations

Plan E - Land use plan

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



**DACORUM BOROUGH COUNCIL**

To Mr and Mrs W Heaps  
"Jollivers"  
Longcroft Lane  
Felden, Herts

Rickaby Thompson Associates  
Regency Court  
220 Upper Fifth Street  
Milton Keynes

Two storey side extension
.....
.....
at "Jollivers", Longcroft Lane, 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 9 February 1988 and received with sufficient particulars on 10 February 1988 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 within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

Dated 21st day of March 1988

Signed *W. B. B. B. B.*

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

#### 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.