

* TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Fairview Homes Ltd.,
50 Lancaster Road,
Enfield,
Middx.

Messrs. Irons, Cobert & Styles,
2 River Front,
Enfield,
Middx.

..... One 4 bedroom dwelling and detached garage -
..... (OUTLINE)
at Rear 3A-41 Elstree Road, Hemel Hempstead, Herts.

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 17th February 1983 and received with sufficient particulars on 24th February 1983 and shown on the plan(s) accompanying such application.

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

The development of this restricted site would seriously intrude upon the amenities of the adjoining residential properties. Furthermore access to the proposed development is unsatisfactory and would result in the despoliation of the well established hedge forming the western boundary of the site to the detriment of the amenity of the locality.

Dated 13th day of April 1983

Signed

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, 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.
- (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 and
Department of Transport

Common Services

Room 1422 Tollgate House Houlton Street Bristol BS2 9D

Telex 449321

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ack.				
D.F.	D.C.	B.C.	Admin.	File
0272-218927	✓			
Direct line	0272-218927			
Switchboard	0272-218811			
Received	16 JAN 1984 TW			
Comment Your reference				
Our reference T/APP/A1910/A/83/007103 and 4/PH2				
Date 13 JAN 1984				

Messrs Irons, Cobert and Styles
2 River Front
ENFIELD
Middlesex

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY FAIRVIEW HOMES
APPLICATION NOS:- 1. 4/0270/83 2. 4/0269/83

CHIEF EXECUTIVE OFFICER
16 JAN 1984
Ref. <i>QPo</i>
Re: to
Created

1. I have been appointed by the Secretary of State for the Environment to determine these appeals against the decisions of the Dacorum District Council to refuse outline planning permission for 1. the erection of two 3-bedroomed dwellings on land to the rear of 6 and 7 Wareside Gardens, Hemel Hempstead and 2. the erection of a 4-bedroomed dwelling and detached garage at the rear of 34-41 Elstree Road, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the sites on 20 December 1983.

2. From my consideration of the written representations and from my inspection of the sites and surroundings I have concluded that the main issue in regard to appeal 1. is whether the proposal would result in a 'visual over-development' of the site which, by being out of character with its surroundings, would so detract from the amenities of adjoining houses as to justify refusal of the application and, in regard to appeal 2. I have concluded that the main issue is whether access to the site from Cupid Green Lane would destroy much of that lane's rural character to the detriment of the visual amenities of the locality.

3. In regard to my first main issue and appeal 1. I would accept that whilst the site is large enough to accommodate the proposed houses its configuration is such that plot shapes would differ considerably from those which surround them. As a result both front and rear gardens would, in comparison with those of adjoining properties, be very small and the visual spaciousness of private open space at the front of adjoining houses could not be maintained. Furthermore because of its proximity to the back of the proposed houses it is difficult to see how the strong character of the existing hedgerow to Cupid Green Lane could reasonably be maintained. Consequently, while in regard to the position of the siting of the proposed houses, I would accept that careful design could ensure that lack of privacy would not arise I do, nevertheless, consider that they would, by enclosing a vital visual gap in existing developments in an effectively alien form, provide such a cramped form of development that Wareside would take on an appearance which was entirely different to the general feeling of spaciousness which would still exist in the remainder of the adjoining estate. To my mind this loss of spaciousness would be highly detrimental - indeed it would result in such a loss of visual amenity as to justify refusal of the application.

4. Notwithstanding this I also noted that while the site was not equipped for any particular function or purpose it was attractive in appearance as it had been maintained as an area of green sward. Because of this I cannot accept your description of it

being an area of waste land as this implies that it is, in effect, a visual eyesore. Indeed for reasons already given I feel that, as an area of maintained open land, it adds greatly to the visual appearance of its surroundings and, as I also consider that it is reasonable to expect that it is well used by children as a much needed area for local play - which cannot reasonably take place in adjoining gardens - I consider that loss of the site as an amenity area would also so detract from the amenities of adjoining houses as to justify refusal of the application.

5. I have considered all the other matters raised in the written representations regarding appeal 1. but have concluded that these lack sufficient strength to outweigh the considerations which have led to my decision.

6. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss appeal 1.

7. In regard to my second main issue and appeal 2. it seemed to me that while Cupid Green Lane is fairly well used by through traffic, mostly cars, from the point south of the site where it swings north it had the appearance of a narrow single track rural lane - despite the fact that for some not inconsiderable distance it was lined on both sides by modern housing estates. Thus the lane not only allowed traffic to pass through the estates, without passing in front of houses, it also provided such a contrast to its surroundings that its existence was not only visually beneficial it also seemed to me reasonable to conclude that it had great amenity value in that it effectively brought the surrounding countryside right into the estates.

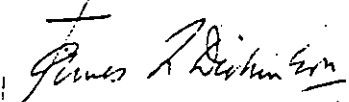
8. To a large extent it seemed to me that the key factor which allowed the lane to maintain its, presumably very old, rural character was the fact that it was lined by very high and dense hedgerows which gave not only a sense of enclosure but which also largely obscured views of the adjoining development. Because of this it seems to me that maintenance of the hedgerow, especially in the vicinity of the site, is of paramount importance both for visual and amenity reasons.

9. Although it is claimed that the development proposed would only necessitate a very small break in the hedgerow I do not consider that this would be the case. The lane is narrow and entry into the site for vehicles would have to take into account turning requirements and thus the start of any driveway would have to be much greater in width than driveways, say, on the adjoining estates. Furthermore given the nature of the use of the lane, its width, layout and topography it seems to me reasonable to accept that sight lines for those leaving the site will have to be provided and that these lines can only be achieved by the destruction of a relatively long section of hedge. Indeed the council have claimed that sight lines would require the destruction of up to 90 ft of hedge and it seems to me reasonable to conclude that this would be the case. Given therefore that I consider that even a very small break in the hedge would be undesirable - for reasons already given - I have concluded that the proposal would result in the destruction of much of Cupid Green Lane's rural character and that this would be so detrimental to the visual amenities of the locality as to justify refusal of the application.

10. I have considered all the other matters raised in the written representations regarding appeal 2. but have concluded that these lack sufficient strength to outweigh the considerations which have led to my decision.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby also dismiss appeal 2.

I am Gentlemen
Your obedient Servant


J L DICKINSON MA DiplArch
Inspector