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B/1227/JEB/P

Handwritten initials and date: 2/10/89

Mr D Clarke
47 Gravel Lane
Boxmoor
HEMEL HEMPSTEAD
Herts
HP1 1SA

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.				Ack.		
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
Received 15 JAN 1990						
Comments						

Your reference

8910

Our reference

T/APP/A1910/A/89/128599/P8

Date

12 JAN 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR SIMON CHURCH
APPLICATION NO: 4/0274/89

1. 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 District Council to refuse planning permission for a 2 storey rear extension at Mobcroft Cottage, 123 Flaunden, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by Flaunden Parish Council and an interested person. I inspected the site on Tuesday 5 December 1989.
2. From my inspection of the appeal premises and surroundings and from the representations, I am of the opinion that the main issues are whether the proposed extension would have an adverse effect on the appearance and character of the surrounding area and whether there are special circumstances in support of the proposal contrary to the Council's normal policies for restricting development in the green belt.
3. Your client's house is situated near the village of Flaunden in the Metropolitan Green Belt in which the Council's policies normally operate to prevent development, except for certain specified purposes which do not include the proposed extension. These policies provide that development in the main core of villages such as Flaunden should not detract from the character of the surrounding area. In addition, in the open countryside where there is a general presumption against new development, where alterations to existing dwellings are acceptable they should be sympathetic to existing buildings and the rural character of the surroundings.
4. The house is the end one of a terrace of 3 situated about 500 m south of the main built-up part of Flaunden. Apart from a few dwellings in other isolated positions, the surrounding countryside is fairly level and open agricultural land in which the few buildings are fairly conspicuous features. The original building, about 80 sq m floor area, consisted of a main 2 storey part fronting Bragmans Lane similar to the main part of the 2 adjoining cottages, together with a gabled back extension. The 1986 extension, about 55 sq m floor area, more than doubled the width of the main 2 storey part, extending the house by about 6 m towards Birch Lane. However, it continues the form of the original terrace of cottages and its depth of barely 5 m minimises its visual effect on the surrounding area.
5. The current proposal would be attached to the back of the 1986 building, extending it by just over 5 m and presenting a large new gable at the rear. Although the floor level of the house is a little below the level of the surrounding fields, the extra bulk of the proposed extension would be a noticeable addition when seen

from further west along Bragmans Lane and from Birch Lane. In addition, by filling in the fairly large open area behind the 1986 extension, it would obscure the small scale and limited depth of the original structure and result in the appearance and character of a larger and bulkier building. Having regard to the size and scale of the original building and extensions and to the weight attached to the green belt policies, I am of the opinion that the bulky appearance of the proposed extension would have a detrimental effect on the open character of the surrounding area.

6. The existing house contains 4 bedrooms and 2 living rooms and the proposed extension would provide an extra living room, better shaped bedrooms and would enable an awkward stairway to be removed. While these would be advantageous to your client, I consider that the existing house is not so inconvenient in size or layout that these improvements are very special circumstances which would justify allowing the proposed extension, having regard to my conclusion on the first issue.

7. I have taken account of all the other matters in the representations. These include the rear extension recently permitted to the adjoining house, but it partly replaces existing extensions and its appearance in relation to the rest of the terrace would correspond more closely to the existing rear extension of your client's house. I am of the opinion that all these matters do not outweigh the considerations that led me to my decision.

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

I am Sir
Your obedient Servant

D. J. Tuckett

D J TUCKETT ARICS MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To

Mr S Church
123 Flaunden
Herts

Mr D Clarke
47 Gravel Lane
Hemel Hempstead
Herts

..... Two storey rear extension
.....
at Mobcroft Cottage
..... 123 Flaunden 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. 1989 and received with sufficient particulars on 10. February. 1989 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 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.
2. The proposal represents a very large increase in the mass and bulk of building on the site which would affect adversely the visual and general amenities and detract from the character of the area.

Dated 30th day of March 1989

Signed 

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.