

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To

N. P. Scott Esq.,
c/o Messrs. Poulter & Francis,
57 Marlowes,
Hemel Hempstead, Herts.

Two no. two-bedroom maisonettes - outline,

on land off Ritcroft Close,

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 11th March 1981 and received with sufficient particulars on 12th March 1981 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 proposed development would have a seriously detrimental effect on amenities and privacy at present enjoyed by occupants of adjacent dwellings.
2. The erection of a dwelling as proposed would be an undesirable form of development taking no account of the layout of surrounding residential properties.
3. The proposed development would cause the loss of an existing car parking space and would result in congestion of the access courtyard.

Dated 8th day of May 1981.

Signed



Designation 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, 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

Room 1309

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Ref.				Ack.	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
		✓		CEP	
Received				15 SEP 1981	
Direct line 0272-218 863 Switchboard 0272-218811 GTN 2074					

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

15 SEP 1981

Your reference

BF/JES/Scott

Our reference

T/APP/5252/A/81/6620 and 6621/G9

Date

11 SEP 1981

033693

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MR N P SCOTT

APPLICATION NOS:- 4/0335/81 AND 4/0334/81

1. I refer to these appeals, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for 2 maisonettes and 2 garages (6620 and 0335/81) and a 2-bedroom bungalow and garage (6621 and 0334/81) on land off Ritcroft Close, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by an interested person. I inspected the site on 28 July 1981.

2. Having inspected the site, in my opinion the key issue in determining both these appeals is whether it is appropriate to build dwellings on a small area of land approached by means of a garage court or by a footpath from the end of a cul-de-sac.

3. On your client's behalf you say the land is derelict and unusable in its present state, and that to develop on it would have no effect on the privacy of adjoining dwellings or the amenities generally. You are willing to revise the siting in order to preserve car parking space. To build on the land, you say, would result in a density no greater than adjacent development, owned in the main by the council.

4. But the Local Planning Authority refused permission for the proposals on grounds of their having an effect on amenity and privacy, the loss of a parking space, and the likely congestion of the access courtyard. They also say simply that the form of the proposals is undesirable; and while there is no objection to residential development in principle, the size of the plot is unacceptably small, having in mind the parking standards they set for a bungalow or for maisonettes.

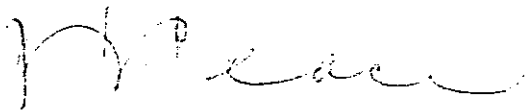
5. In my opinion, whatever may have been the intentions in the layout of this area, the land is by no means an amenity area of any public use in its present very rough state: but that is not to say the land is useless - nor that there is any good claim for its being used for dwellings.

6. The south-western boundary of the appeal site is some 50 yds from the nearest turning-head - ie the end of Ritcroft Drive: and the south-eastern side of the site is only to be approached across a concreted area of the forecourt of a range of lock-up garages - which in turn is approached under the end of a small housing block at the

end of Ritcroft Close. I regard the lack of suitable access as sufficient to rule out the idea of building dwellings on the site: but there is also the undoubted risk of congestion in the garage area if the appeal site were built on; and there is a certain measure of overlooking of the site from the upper windows of 7-10 Ritcroft Drive - and of their privacy being impaired by eg maisonettes on the land, if not by the outlook from a bungalow. With the accesses to the land as they are, it would in my view be unacceptable to build dwellings on the site.

7. I have taken all relevant considerations into account and for the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

I am Gentlemen
Your obedient Servant



D B PEACE MBE FSA RIBA FRTP
Inspector