



Department of the Environment and
Department of Transport

Common Services

Room 1309 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 865

Switchboard 0272-218811

GTN 2074

11462

CHIEF EXECUTIVE
OFFICER

8 JAN 1985

File Ref. ...

Refer to ...

Cleared ...

Messrs Pickworth & Co
Solicitors
37 Marlowes
HEMEL HEMPSTEAD
Hertfordshire
HP1 1LQ

Your reference					
DSF/JLL/BC					
Our reference					
Ref. 1/APP/A1910/A/84/20440/20445/P1					
Opto.	D.P.	D.C.	B.C.	Admin.	File
Received <i>[Signature]</i> -8 JAN 1985					
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY BOVINGDON CONSTRUCTION LIMITED
APPLICATION NOS:- (4/0364/84) AND 4/0724/84

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your clients' above mentioned appeals. These appeals are against the decisions of the Dacorum District Council to refuse outline planning permission for the erection of a. 3 detached houses and b. 3 detached houses and a replacement bungalow; together with the construction of an access drive on land at the rear of 52 and 54 Wood Lane End Hemel Hempstead, Hertfordshire. I have considered the written representations made by you and by the council.

2. The long, flat, rectangular site has a frontage on the south side of Wood Lane End and lies at the east side of a large residential area, next to a narrow, thick tree belt that screens it from nearby industrial buildings. It contains 2 detached bungalows standing in short front gardens and long back gardens which are well kept and landscaped with some trees and shrubs.

3. From the written representations made and what I saw at my inspection of the site and its surroundings on 3 December 1984, my opinion is that the main considerations in this case are, whether your clients' projects would unduly mar the appearance and character of the local residential area and seriously harm the amenities of the neighbours.

4. On the first consideration, I accept that the 3 proposed houses would stand behind 2 detached bungalows, each having a frontage to Wood Lane End and that access to those houses would be from a drive rather than a residential estate road with footpaths.

5. However, the proposed access is acceptable to the responsible local highway authority and is of a type often used to serve a small group of houses of present day residential development. Each house and bungalow would have a good size plot and the density of the scheme would be similar to that of the overall large local residential area.

6. I find therefore, that your clients' projects would not unduly mar the appearance and character of the local residential area.

7. Turning to the second consideration, I take the point that the proposed access drive would be close to some of the windows of the bungalow at 54 Wood Lane End, but I note that there would be room to build a tall screen wall 3 ft from the side of that bungalow and between it and the proposed access drive. I share the view that

any marginal improvement in privacy and living conditions of the future occupants of the proposed replacement bungalow of the alternative scheme would not justify the demolition of the existing bungalow, which is in good condition.

8. I am convinced that there is ample room for the proposed 3 houses to stand in a good landscape setting, far enough away from all the nearby houses and bungalows to keep at least the normally accepted minimum standard of daylight, sunlight and privacy in facing main living rooms and adjoining gardens. I am aware also of the need to make the best possible use of all suitable land that is available for housing.

9. I conclude therefore, that your clients' projects would not seriously harm the amenities of the neighbours and that it is acceptable.

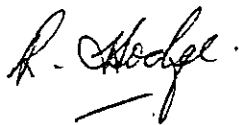
10. However, I intend to impose a suitably worded condition for the erection of a screen wall along the side of the bungalow at 54 Wood Lane End and to enclose the back gardens of the 2 bungalows at 52 and 54 Wood Lane End in order to secure a satisfactory standard of privacy for the occupants of those bungalows.

11. Having taken full account of all the other matters raised in the written representations of this case, I am of the opinion that they do not outweigh the considerations that led me to my decision. Accordingly for the above reasons, and in exercise of powers transferred to me, I hereby allow your clients' appeals, and grant outline planning permission for the erection of a. 3 detached houses and b. 3 detached houses and a replacement bungalow; together with the construction of an access drive on land at the rear of 52 and 54 Wood Lane End, Hemel Hempstead, Hertfordshire, in accordance with the terms of the application (Nos 4/0364/84 and 4/0724/84) dated 21 March 1984 and 23 May 1984 and the plans submitted therewith each subject to the following conditions:-

1. a. approval of the details of the siting, design and external appearance of the buildings, and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;
 - b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;
 2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved;
 3. before any proposed house is occupied, a 6 ft high screen wall shall be erected along the back and east side boundaries of the bungalows at 52 and 54 Wood Lane End and along the side of the bungalow at 54 Wood Lane End, in such positions and of such materials as may be agreed with the local planning authority.
12. Attention is drawn to the fact that an application for any consent, agreement, or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

13. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'R. Hodge'.

R HODGE FRTPI DipTP(Notts)
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Bovington Construction Limited
16 High Street
Bovington
Herts

.....
..... Three Detached Dwellings (Outline)
.....
at Rear 54 & 52 Wood Lane End, 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 21st March 1984 and received with sufficient particulars on 22nd March 1984 and shown on the plan(s) accompanying such application.

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

The proposed access driveway is considered unsatisfactory by reason of its close proximity to the existing bungalow, and because of the disturbance and loss of privacy which is likely to arise.

Dated 11th day of May 1984...

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.