

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To H Aughton Esq
Orchard Croft
~~Vicarage Road~~
Potten End
Berkhamsted
HertsJ A Lucey Esq
Stonehouse
~~Vicarage Road~~
Potten End
Berkhamsted
Herts

One dwelling - Outline

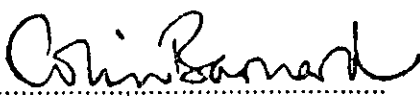
Brief
description
and location
of proposed
development.on land rear of Orchard Croft and Stonehouse, Vicarage
Road, Potten End.

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 30 March 1982 and received with sufficient particulars on 05 April 1982 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 erection of a dwelling as proposed would be an undesirable form of sporadic development taking no account of the layout of surrounding residential properties.
2. The site is within an area without notation on the Approved County Development Plan and in an area referred to as being within the extension of the Metropolitan Green Belt in the Approved County Structure Plan (1979) and the Dacorum District Plan, wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension 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 27 day of May 1982

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 and
Department of Transport

Common Services

Room 1209 Tollgate House Houlton Street Bristol BS2

Telex 449321

Direct line

Switchboard

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL				
Ref.			Ack.	
C.D.	D.P.	D.C.	B.C.	
0272-218800				
0272-218811			21 DEC 1982	
Comments				
Your reference				
Our reference				
T/APP/5252/A/82/9308/G10				
Date				
17 DEC 1982				

Messrs Fuller Hall and Foulsham
53 Marlowes
HEMEL HEMPSTEAD
HP1 1LL

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR H AUGHTON AND MR J LUCEY
APPLICATION NO:- 4/0400/82

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of one dwelling on land at the rear of Orchard Croft and Stonehouse, Vicarage Road, Potten End. I have considered the written representations made by you, by the District Council, by the Nettleden-with-Potten End Parish Council and also those made by interested persons. I inspected the site on Monday 22 November 1982.
2. From the representations made I consider the main issue is whether there are any special factors in this case which merit a departure from the policies that normally restrict development within the Metropolitan Green Belt. A further issue is whether the development that is proposed is suitable for the locality.
3. It appears that although Potten End lies within an extension of the approved Green Belt nevertheless it has been identified in the Dacorum District Plan as a village in which small scale residential development will be allowed within the main core of the village (DPP Policy 5).
4. The site is part of a larger portion of land which was developed as the result of an appeal decision in 1960; the main grounds of refusal were similar. However the initial appeal decision might be considered to apply only to infilling along the street frontage. In this case a new access is proposed at the side of the adjoining property, Stonehouse.
5. From my inspection I note that the site lies within the village and is completely enclosed by substantial planting except from the garden of Orchard Croft. Thick beech hedges separate the site from the cricket pitch and Stonehouse. The land is presently cultivated as private garden, with the disadvantage that although it belongs to Mr Aughton at Orchard Croft, the major portion is tucked behind the garden of Stonehouse. There are several new developments within the village.
6. Due to its appearance, its private location, the previous appeal decision and the current policy towards Potten End I consider the appeal site to be residential land where the restrictions which are generally imposed to limit types of occupancy in Green Belt areas would not be appropriate.

7. It is therefore necessary to consider whether the type of development proposed is appropriate for the location. Dacorum District Council have objected to the form of development proposed by your clients, mainly on the basis that they consider it to be backland development.

8. Backland development derives its adverse connotations from cramped sites where restricted access or lack of space can lead to a loss of privacy for both new and existing properties. Further problems can arise when a very narrow access restricts the relationship of the new property to the street frontage. However where good standards of privacy and access can be achieved sites which are not on the street frontage can sometimes, in my view, be developed to echo or enrich the local pattern of development and avoid the extravagant use of residential land.

9. In this case it is a feature of Stonehouse that the front entrance and the normal front elevation of the house faces the side, a feature which makes it suitable for adaptation to a corner layout. There is ample space between this elevation and the old boundary hedge for the formation of a new access to serve one dwelling. Some lesser planting may be disturbed, including a yew tree, but much is past its prime and could well be replaced. The street scene might well be enhanced if the front of Stonehouse were more visible.

10. The privacy of the site has already been noted. However the boundary hedge between the new houses in Vicarage Gardens and the appeal site consists largely of deciduous species and in winter there is some overlooking particularly from first floor level. Nevertheless, in my opinion, the size of the appeal site is sufficient to ensure that additional screening can be planted to ensure reasonable standards of privacy for both new and existing properties.

11. From my inspection I note that there are several new developments within Potten End in similarly set-back positions which add to the interest of the village.

12. In my opinion the development that is proposed by your clients is appropriate for the area. However I consider that in order to retain the overall space standards of the locality only one house should be erected on the appeal site. In addition I consider that any additional screening which may be proposed near the frontage of Stonehouse should be constructed in old bricks to match the existing house, or achieved by planting rather than by the erection of close boarded timber fencing, in order to enhance the character of the immediate locality.

13. I have taken into account all the other issues that have been raised but these have not proved sufficient to outweigh the considerations that have led to my decision.

14. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of one dwelling on land at the rear of Orchard Croft and Stonehouse in accordance with the terms of the application (No 4/0400/82) dated 30 March 1982 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto 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 of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

15. Attention is drawn to the fact that an applicant 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.

16. 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

Ann R Bridger

ANN R BRIDGER BA(Hons)Arch DipUD MA RIBA
Inspector