

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OFDACORUM.....

IN THE COUNTY OF HERTFORD

To Mrs. Nunn,
9 Highcroft Road,
FELDEN,
Hemel Hempstead,
Herts.

Messrs. Faulkners,
49 High Street,
KINGS LANGLEY,
Herts.
WD4. 9HU.

One dwelling
at land adjacent to 9 Highcroft Road, Felden, 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 19th March, 1981, and received with sufficient particulars on 23rd 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 site lies within the Metropolitan Green Belt as defined in the Approved County Structure Plan wherein planning permission will only be given, whether for the construction of new buildings or the change of use or extension of existing buildings, for agricultural purposes, small scale facilities for participatory sport or recreation, of other uses appropriate to a rural area.
2. The proposed development would be out of character with existing development in the area, affecting adversely the visual and general amenities of surrounding residential property.

Dated 6th day of May, 1981.

Signed Colin Barnard

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 9DU

Telex 449321

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL

Ref.				Ack.	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File

Direct line 0272-218
Switchboard 0272-21811
Documents

86310 FEB 1982

Your reference

Our reference

T/APP/5252/A/81/14386/G9

Date

4511

08 FEB 1982

CHIEF EXECUTIVE

10 FEB 1982

Mrs J G Nunn
9 Highcroft Road
Felden
HEMEL HEMPSTEAD
Herts

Madam

TOWN AND COUNTRY PLANNING ACT 1971 SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0401/81

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for one dwelling on land adjacent to 9 Highcroft Road, Felden, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 4 January 1982.

2. I note that in the approved Structure Plan for Hertfordshire and in the draft Dacorum District Plan the area including the appeal site is situated within a Green Belt. I can find no reason to question the inclusion of the appeal site within the Green Belt at the present time, pending the final approval of the District Plan. From my inspection of the appeal site and its surroundings, and the representations made, I consider that the main issue in this case is whether there exist any special circumstances to justify the appeal proposal in this Green Belt area, where development is not normally permitted except to meet the needs of agriculture or other uses appropriate to a rural area.

3. In support of your case you consider that development in Highcroft Road has no uniformity of character, design or age. The appeal site is of substantial size, large enough to accommodate an adequate dwelling without encroaching onto the surrounding Green Belt land or upon existing residential development, and that the proposed development would not be out of character with the existing housing area nor the locality. You regard the proposal as satisfactory Green Belt infilling.

4. During my inspection I concluded that Highcroft Road is a long established small pocket of housing development in generally rural surroundings to the south of Hemel Hempstead. The road itself is of narrow width with no footpaths. The houses, all detached, are set in spacious gardens with many trees and mature vegetation. Although the dwellings themselves have no uniformity I consider that the development as a whole has a spacious, near rural, character of considerable charm. I recognise that the appeal site is some 70 ft wide and about $\frac{1}{2}$ acre in extent, that it is physically capable of accommodating a large dwelling and that such a dwelling would not extend development into open countryside. However, by comparison with the average width of plots in the road the site is a narrow one and I have no doubt that the erection of a dwelling at this point would give the immediate surroundings a very cramped appearance when compared with the character of the road as a whole, and that

this would be very detrimental to that character. I cannot accept that such a development would represent satisfactory infilling.

5. You have drawn my attention to 2 dwellings erected in Highcroft Road, with planning permission, one permission having been given in 1972. You consider that these decisions are inconsistent with the decision in your case, and with Green Belt policy. I recognise that like your proposal these developments involve the erection of new dwellings in a Green Belt area. However both dwellings are set on plots which are much larger and wider than the appeal site and I do not consider that they have the adverse effect on the character of the road that your proposal would have. I am not satisfied that they provide an adequate justification for your proposal. I note that while these 2 dwellings have been permitted the council have refused permission for the erection of a number of dwellings in the vicinity, for Green Belt, residential amenity and other reasons.

6. I inspected the various house extensions that have also been permitted and erected in the road. While these are generally unobtrusive I consider that in one or two cases they have lead to loss of the spacious character of the development. However I am not persuaded that this provides any justification for your proposal, which in my opinion would have a further and greater adverse effect.

7. I have concluded that the proposal would adversely affect the character of the road and that it would represent an unacceptable consolidation of development within this isolated area of housing in the Green Belt. I can find no special circumstances sufficiently compelling to justify the granting of permission. I consider too that if permission were granted in this case the council would find it very difficult, on grounds of fairness, to refuse permission for similar proposals elsewhere in the vicinity and that the result would be a further erosion of the near rural character of the area and of the Green Belt.

8. I have examined your representations about the advice in Circular 22/80 but the Circular makes clear that it remains national policy to safeguard Green Belts and I am satisfied that there are sound and clear cut reasons for the refusal of permission in this case. I have considered all the other matters raised but find them of insufficient weight to affect my decision.

9. For the above reason, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

I am Madam
Your obedient Servant



A J J STREET
Inspector