

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

SG



DACORUM BOROUGH COUNCIL

To Mr & Mrs D Colvin
10 Tring Road
Wilstone
Tring
Herts

One dwelling (outline)
at Rear of 10 Tring Road, Wilstone

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 5 March 1989 and received with sufficient particulars on 6 March 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 a rural area beyond the 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 involves the development of an attractive gap which acts as an important break in the built up frontage of New Road. The proposal would therefore reduce the spacious rural character of the road and this part of the Wilstone Conservation Area, to the detriment of its general appearance, and may create an undesirable precedent for other such development.

Dated 20th day of July 1989

Signed

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

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.

AB/DB/NR/HG/FM

copy

TEAM 2



Planning Inspectorate
 Department of the Environment
 Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ
 Telex 449321

Direct Line 0272-218927
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 GPO 1334

Mr and Mrs David Colvin
 10 Tring Road
 Wilstone
 Tring
 Herts HP23 4PB

1	2	3	4	5	6	7	8	9	10	11	12
12 MAR 1990										Your reference Our reference T/APP/A1910/A/89/138419/P8	
Date										18 MAR 90	

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY YOURSELVES
 APPLICATION NO 4/0423/89

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 Borough Council to refuse planning permission in outline for erection of a detached house and garage using existing access from New Road at the rear of No 10 Tring Road, Wilstone. I have considered the written representations made by you and by the Council and the Parish Council. I inspected the site on 20 February 1990.
2. From the written representations made and from my inspection of the site and its surroundings I have concluded that the main issues in this appeal are whether the proposed development would be contrary to the policies of the Dacorum District Plan and would cause harm to this rural area and whether it would preserve or enhance the character or appearance of the Wilstone Conservation Area.
3. No 10 Tring Road is a detached house with a plot that extends back to New Road. The appeal site is the rear part of your property and has a frontage to New Road of about 14m and a depth of about 20m. New Road is a cul-de-sac developed opposite the appeal site with attractive semi-detached tile hung cottages. On the same side as the appeal site to the south there are two pairs of semi-detached houses and to the north, the rear garden of No 12, an old chapel converted into dwellings and then at the junction of New Road and Tring Road, an old school which has been extended and converted into flats.
4. Both the Hertfordshire Structure Plan and the Dacorum District Plan provide, that beyond the Green Belt, except in certain settlements where development may be permitted subject to certain criteria, residential development will be allowed only where strictly necessary for agriculture or forestry or for local needs. Wilstone is not a village listed in the District Plan where permission for small scale residential development may be granted. According to the District Plan these policies are designed to limit the rate of all types of development in rural areas and to prevent settlement spread and coalescence and to conserve environmental and agricultural resources. Although I accept the Council's submission that your proposal is not for one of the excepted classes of development, in my opinion, it has not been demonstrated that your proposal would cause harm to the objectives of these policies. The Government attaches great importance to the preservation of the countryside but it seems to me that the development of this site which is infilling in an almost continuously built-up frontage would not cause harm to an interest of



acknowledged importance and I can therefore see no objection to your proposal on the first issue.

5. Wilstone has been designated as a Conservation Area and part of the southern boundary of the appeal site forms the southern boundary of the area. The boundary then runs south in front of the semi-detached houses to the south thus excluding those properties from the Conservation Area. The Council has not submitted a specific policy for Wilstone other than the general policy for Conservation Areas which requires, amongst other things, that any new building must be designed so as to be sympathetic in scale, form, height and materials with the Conservation Area as a whole. Wilstone is a pleasant village with its main spaces defined mainly by two-storey buildings of a domestic scale. Although the buildings are of many different types and are not all of high architectural quality, the uniformity of scale provides an attractive homogeneous appearance to the village. Your site is in New Road and any building would not, in my view have an effect on the main space of the village which is north of the junction of Tring Road and New Road. The Council consider that the appeal site forms an attractive gap which acts as an important break in the built-up frontage of New Road and that the development of this site would reduce the spacious rural character of the road. From my site inspection I formed the view that this open space makes little visual contribution to the area and I am of the opinion that in view of the character of the Conservation Area, which is composed of spaces and roads defined by buildings, a well designed house on this site would enhance the appearance and character of the Conservation Area rather than detract from them. Opposite the appeal site there are five pairs of attractive semi-detached tile hung cottages which with one or two exceptions are free from unsympathetic alterations and any new house on the appeal site, by relating well to these cottages, would strengthen the feeling of enclosure in New Road and improve the appearance of the street. On the second issue I find that your proposal is acceptable.

6. I have taken into account all the other matters raised in the representations but do not find them to be so cogent or compelling as to outweigh the considerations that led me to my conclusion.

7. At the suggestion of the Council I propose to impose, other than the usual outline conditions, a condition requiring the front hedge to be retained in order to preserve the appearance of the frontage.

8. For the above reasons, and exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for erection of detached house and garage using existing access from New Road at the rear of No 10 Tring Road, Wilstone in accordance with the terms of application No 4/0423/89 dated 5 March 1989 and the plans submitted therewith, subject to the following conditions:-

1. Approval of the details of the siting, design and external appearance of the building 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.

2. 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.

3. The development hereby permitted shall be begun on or before whichever is the later of the following dates:

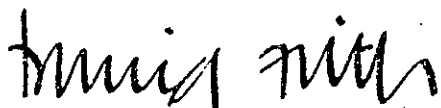
- a. 5 years from the date of this letter or
- b. the expiration of 2 years from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

4. The hedge existing on the New Road boundary shall be retained.

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

10. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 23 of the Town and Country Planning Act 1971. Your attention is drawn to the provision of Section 277A of the Town and Country Planning Act 1971 (inserted into the Act by the Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

I am Sir and Madam
Your obedient Servant



D W FRITH DipTP FRTPI FRICS
Inspector