

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Harrovia Estates
19 Sheepcote Road
Harrow
HA1 2JL

Lee Reading Harbinson
Priory Building
Church Hill
Orpington
BR6 0HH

Erection of three dwellings and conversion of
stables into dwellings (Outline)
at Rear of Langley House (69B), Langley Hill, Kings
Langley

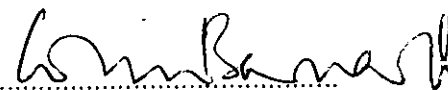
Brief
description
and location
of proposed
development.

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 24 February 1988 and received with sufficient particulars on 10 March 1988 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 application site lies within a designated Conservation Area and the development proposed, by reason of its adverse effect on existing buildings and trees, would be severely detrimental to the visual and general amenities of the Listed Building, the stable block, the adjoining properties and the Conservation Area in general.
2. The proposed development constitutes an overdevelopment of the site resulting in inadequate amenity space for the existing and proposed dwellings.

Dated 28 day of April 19 88

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.



Departments of the Environment and Transport

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CHIEF EXECUTIVE
OFFICER

9 AUG 1989

File no.

Refer to

Cleared

CPO

9/8

Lee Reading Harbinson
Priory Building
Church Hall
ORPINGTON
Kent
BR6 OHH

Your reference

SK330

Our reference

APP/A1910/A/88/095602

APP/F/88/A1910/000001

Date

8 AUG 1989

Received

- 9 AUG 1989

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36 AND 97(1), AS AMENDED BY
THE LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981 AND
THE HOUSING AND PLANNING ACT 1986
APPEALS BY HARROVIAN ESTATES
APPLICATION NO.4/0451/88

1. I am directed by the Secretary of State for the Environment to refer to your clients' appeals under:-

(a) Section 36 of the Town and Country Planning Act 1971 against the decision of Dacorum Borough Council to refuse outline planning permission for the erection of 3 no.2 storey houses at the rear of the existing property and convert the stable building into a bungalow on land at 69B Langley Hill, Kings Langley, Hertfordshire; and

(b) Section 97(1) of the Town and Country Planning Act 1971 (as amended) against a listed building enforcement notice alleging that certain work specified in the notice had been executed in contravention of section 55(1) of the Act. The work alleged to have been carried out without listed building consent is the demolition of the eastern part of no.69B Langley Hill.

The appeal against the notice was made on the grounds set out in paragraphs (a) and (e) of Section 97(1) of the 1971 Act (as amended).

2. An officer of the Department has visited the site and has considered the written representations made in support of the appeals together with those of the Council. A copy of his report is appended in this letter. He recommended that, in view of the considerations expressed in paragraphs 10 to 20 of his report, the appeals should be dismissed and the listed building enforcement notice upheld.

3. Careful consideration has been given to all the arguments for and against the appeals proposals and to the officer's conclusions and recommendations. Dealing first with the listed building enforcement appeal, the Secretary of State agrees with the officer's appraisal and his conclusions that in respect of ground (a), the listed building as a whole is of special architectural interest and in respect of ground (e), that the proposed development would preserve neither the stable block nor the louvred timber roof upstand which is a feature of special architectural interest and that there is insufficient information available to conclude that an appropriate and sensitive scheme would be achieved. Therefore he sees no reason why listed building consent should be granted.

4. Turning to the S36 appeal, he agrees with the officer that the case turns on the adequacy of the proposed vehicular access and the effect it would have on the Kings Langley Conservation Area and the listed building. He shares the officer's view that the proposed covered way which forms part of the bungalow scheme would not be wide or high enough to enable convenient and safe access to three dwellings at the rear of the site. He notes that, if the listed building enforcement notice is upheld, the vehicular access to the three detached houses with integral garages could not be provided as shown in your clients' site layout plan and that this involves demolition of additional parts of the stable block and a small detached store. Bearing in mind the conclusion he has already reached on the listed building enforcement appeal and notwithstanding your clients' willingness to modify the location of the proposed access road, he agrees with the officer's conclusions that the proposals would neither preserve nor enhance the character and appearance of the Conservation Area but would significantly harm them, and that they would not preserve the listed building, its setting or the louvred timber roof upstand.

5. All other matters have been considered but, for the reasons given above, the Secretary of State agrees with the officer's recommendations. Therefore he hereby dismisses your clients' appeals and upholds the listed building enforcement notice.

6. This letter is issued as the Secretary of State's determination of your clients' appeals. Under the provisions of Section 246 of the 1971 Act, an appeal may be made to the High Court on a point of law in respect of the appeal under Section 97(1) of the Town and Country Planning Act 1971 (as amended). Any such appeal must be made within 28 days of the date of this letter (unless the period is extended by the Court). A separate notice is enclosed setting out the circumstances in which the validity of the Secretary of State's decision on the appeal under Section 36 of the 1971 Act may be challenged by the making of an application to the High Court.

I am Gentlemen
Your obedient Servant

R W HIRST
Authorised by the Secretary of State for the Environment
to sign in that behalf

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