

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DD

DACORUM BOROUGH COUNCIL

To Professor A Buckley
Aspley House
Chesham Road
Berkhamsted

Messrs Stimpsons
14A St Albans Road
Watford

..... Three dwellings (Outline)
.....
at Aspley House
..... Chesham Road
..... Berkhamsted

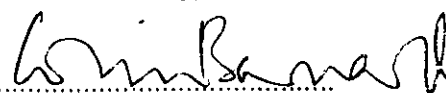
Brief
description
and location
of proposed
development.

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 24.3.87 and received with sufficient particulars on 27.3.87 and shown on the plan(s) accompanying such application.

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

'Aspley House' is located within a row of slightly staggered and well spaced detached dwellinghouses which feature relatively deep gardens fronting on to Chesham Road. The proposal, involving the alignment of a house plot substantially forward of the existing frontage of houses, would result in the establishment of a form of development unsympathetic to the character of the locality.

Dated Seventh day of May 19. 87..

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.



Department of the Environment and Department of Transport

Common Services

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 927

Switchboard 0272-218811

GTN 2074

CHIEF EXECUTIVE
OFFICER

21 MAR 1988

File No.

Refer to 28021/3

Closed

Stimpsons
Planning and Architecture
14A St Albans Road
WATFORD
Herts
WD1 1RX

Your reference					
PLANNING DEPARTMENT 2555/RP/SW					
DACORUM DISTRICT COUNCIL reference					
Ref.			Date		
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received 22 MAR 1988					
Comments					

T/APP/A1910/A/87/080445/P5

18 MAR 88

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY PROFESSOR A BUCKLEY
APPLICATION NO:- 4/0452/87

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for the demolition of the existing house and the erection of 3 detached dwellings and double garages at Aspley House, Chesham Road, Berkhamsted. I have considered the written representations made by you, the council and also those made by other interested persons. I inspected the site on 16 February 1988.
2. The appeal site consists of a substantial dwelling and garden fronting, but set back from, Chesham Road, a tree-lined highway which climbs up from the town centre to the north. To the south of the site are further detached dwellings also set back a similar distance, while to the north is a new access road which serves a development of detached dwellings now nearing completion to the rear of the appeal site. To the north of this access road are further dwellings fronting Chesham Road.
3. The site lies within the urban area as defined in the approved Local Plan and its use for residential purposes is not in dispute. It is the basis of the council's case however that, based on the illustrative plans submitted with the application, its development would establish a form of development unsympathetic to the character of the area.
4. Consequently from my inspection of the site and surroundings and from the representations made I consider the main issue of this appeal to be the impact of 3 dwellings on the site on the character and appearance of the area.
5. From my visit I saw that Chesham Road still retains some of the appearance of a country lane but it is equally clear that considerable changes have taken place within the area as a result of new housing development mainly to the rear of existing dwellings. The construction of accesses into this rear land off Chesham Road has accentuated this change and in respect of the appeal site the substantial retaining wall and screen fencing erected along its northern boundary, together with that fencing along the southern boundary of the dwelling Braeside opposite, has significantly changed the appearance of the street scene within this immediate area. Because of these works Aspley House now appears somewhat cramped which I agree, is more indicative of the size of the dwelling than the overall plot size. In my view the appeal site is capable of comfortably accommodating 3 modern dwellings of a size and style commensurate with those adjoining to the west without unduly affecting either the overall space standards or the appearance of this part of Chesham Road to any unacceptable extent.

6. Although the application is in outline it is not unreasonable for the council to take into account the drawings submitted for illustrative purposes. This scheme indicates 3 dwellings with access onto the new cul-de-sac and as a result the rear of the dwelling on plot 3 faces directly into the front garden of the dwelling Thornehill. I am in no doubt that such a siting represents a most unsatisfactory arrangement and one that is wholly inconsistent with the character of existing development, and indeed, your amended illustrative scheme acknowledges and seeks to remedy this deficiency.

7. The second illustrative layout indicates 2 dwellings fronting Chesham Road, albeit with a building line somewhat less than the existing dwellings. Whilst detailed arrangements would be matters to be pursued in due course I am satisfied that such a layout, particularly if the trees and shrubbery along the frontage together with the laurel hedge along the southern boundary are retained, would provide a development not unsympathetic to the character of the area or one which would harm the street scene in any way. In granting consent therefore I propose to include a condition requiring the existing trees, shrubs and hedge to be retained as far as possible in order that these features continue to contribute to the appearance of this area. Although the council has suggested a condition relating to the withdrawal of permitted development rights the need for this condition is based on the first illustrative layout and accordingly I am not convinced that it is necessary for the proper development of this site.

8. I have taken into account all other matters raised in the representations but they do not affect my conclusions on those considerations leading to my decision.

9. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the demolition of the existing house and the erection of 3 detached dwellings and double garages at Aspley House, Chesham Road, Berkhamsted in accordance with the terms of the application (No. 4/0452/87) dated 24 March 1987 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 on different dates, the final approval of the last such matter approved;
3. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include an indication of all existing trees, shrubs and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

10. 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.

11. 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



D T METCALFE DipTP FRTPI
Inspector

NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER