

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD

To Mr & Mrs G Smith
Felden Coombe
Felden Lane
Felden
Herts HP3 0BB

Paul Burdess (Architect)
31 Ringshall
Berkhamsted
Herts HP4 IND

..... Detached dwelling (outline).....
.....
at Adj. Felden Coombe, Felden Lane,
.....
..... 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 7.3.89 and received with sufficient particulars on 8.3.89 and shown on the plan(s) accompanying such application..

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

The proposal as submitted does not provide for a satisfactory means of access within the control of the applicant for private vehicles. The access and parking/garaging facilities indicated are totally inadequate and will give rise to conditions of danger to vehicles using Felden Lane and to pedestrians and horse riders using the existing track.

Dated ...Twenty-third..... day of ...May..... 19 89

Signed..... *Wm Barnard*

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.



Planning Inspectorate
Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ
 Telex 449321

Direct Line 0272-218 927
 Switchboard 0272-218811
 GTN 2074

1 JAN
2/89

PLANNING DEPARTMENT			
DACORUM BOROUGH COUNCIL			Your reference
File No.	Case No.	App. No.	App. Date
1989/100	1989/100	1989/100	1989/100
Our reference			Date
T/APP/A1910/A/89/133823			17 JAN 90
Received 19 JAN 1990			
Comments			

Paul S Burdess BA BARCH
 31 Ringshall
 BERKHAMSTED
 Herts
 HP4 1ND

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY MR AND MRS G SMITH
 APPLICATION NO 4/0453/89

- 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 outline planning permission for a detached dwelling on land adjoining Felden Coombe, Felden Lane, Hemel Hempstead. I have considered the written representations made by you and by the Council. I inspected the site on 15 December 1989.
- From my inspection of the appeal site and its surroundings and my examination of the representations made I am of the opinion that the main issue in this case concerns the effect of the proposed development on traffic safety in the neighbourhood of the appeal site.
- Your clients' house Felden Coombe lies on steeply rising ground to the south of Hemel Hempstead. It is sited on a large triangular plot on the east side of Felden Lane, the main through road in the immediate neighbourhood. The house lies on rising ground above that road. Your clients plan to erect the proposed detached house on a triangular area of land at the north end of the present plot.
- At the moment there are 2 vehicular access routes to your clients' property, one at the north end of the garden, one at the south. At the north end access is by way of a track. This track runs from Felden Lane, at a point immediately to the north of the Appellants' property, to Roughdown Common some way to the east. Alongside, and aligned almost parallel with, the track, at the north end of the garden, is a long established garage with a parking space in front of it. It is clearly possible to drive a car from the track onto the parking space and so into the garage, but I consider that the space available does not permit a car to be turned round there, either outside the garage on the appeal site or on the track, outside your clients' ownership. Accordingly use of the facility requires vehicles to be reversed. In my opinion it would also be very difficult to use the present facility to park or garage more than one vehicle, because of the problems of moving vehicles around in the confined space.
- The track is narrow, about 2 metres wide, unmade and has an uneven stone surface. It is a "byway open to all traffic" and is evidently used by walkers and horse riders. On the basis of my inspection it is my opinion that the track is unlikely to be used regularly at present as a vehicular access by any

dwelling other than Felden Coombe, because of its poor surface, its narrowness, the poor junction with Felden Lane and the existence of a much better alternative vehicle route via Sheethanger Lane. The junction between the track and the fairly busy Felden Lane is very narrow and set at a sharp angle. I used this junction in my small car and found the visibility there, for vehicles on the track, to be very poor indeed, as the Council contend. Notwithstanding the absence of accidents in the past it is my firm opinion that any increase in vehicular traffic using this very sub-standard junction would be highly undesirable.

6. At the south end of your clients' property a driveway runs from near the house eastwards to a crossover immediately adjoining a turning head at the end of Roefields Close. Roefields Close is a short residential cul de sac developed perhaps twenty odd years ago. There is ample manoeuvring space at the turning head for vehicles entering or leaving your clients' property and room for more than one car to park in the driveway. The width of the carriageway in Roefields Close is about 6 metres. The Close joins Felden Lane to the south of your clients' land. The junction between Roefields Close and Felden Lane is much more spacious than the one between the track and Felden Lane. I found the visibility for a car leaving Roefields Close to join Felden Lane to be reasonably good.

7. The Appellants' plan is to transfer the use of the existing garage and parking space at the north end of their land from their existing house Felden Coombe to the proposed dwelling to be built on the appeal site. This would be the only vehicular access on to the site of the proposed new house. The existing house Felden Coombe would then have vehicular access solely by way of the driveway from Roefields Close.

8. I am firmly of the view that if the appeal scheme were implemented as your clients intend the end result would be demonstrable harm to traffic safety in the immediate area, for the following reasons. At present all persons going to and from Felden Coombe by car have a choice of 2 access routes to the house, as the Council point out. Although you stress that the garage and parking space have been used for a great many years and continue to be used regularly I take the view, on the balance of probability, that the access via Roefields Close is likely to be used to a considerably greater extent. I hold this view because, in my estimation, the route by way of Roefields Close is much more convenient and safe to use and because vehicles can be parked much more easily near to the house by way of that route.

9. If the only vehicular access to the appeal site and to the proposed dwelling were by way of the track, as you propose, then it is likely, on the balance of probability, that most vehicles taking people to and from the new house would use the track, whereas at present a lesser fraction of the traffic generated by Felden Coombe is likely to use the track. As a result, in my opinion, the proposed development would lead to a significant increase in vehicle usage of the sub-standard track and the sub-standard junction with Felden Coombe. Not only would that result in increased danger of accidents between vehicles using the track and vehicles and pedestrians using Felden Lane, it would also lead to increased danger to pedestrians and horse riders using the narrow track itself.

10. I am unable to see how these compelling objections could be overcome by the imposition of conditions on a planning permission or by other means of planning control. I note the Appellants' willingness to enlarge the parking space adjoining the existing garage. In my opinion it would be very difficult to make any great improvement in that respect, because of the very considerable change of levels at that spot. Much more fundamentally such action would do nothing to improve the junction with Felden Lane or to widen the track

itself. Such improvements are outside the Appellants control. They would also be undesirable, in my opinion, because they would be detrimental to the recreational use of the byway.

11. With regard to the other matters raised you drew my attention, at my site inspection, to a number of other existing accesses to Felden Lane. Some of these might not be satisfactory, but that does not alter my conclusion that the implementation of the appeal proposal would detract from traffic safety elsewhere. I have examined all of the other matters raised but find nothing to change my decision.

12. For the above reasons and in exercise of the powers transferred to me I ~~hereby dismiss this appeal.~~

I am Sir
Your obedient Servant



A J J STREET MA(Oxon) DipTP MRTPI
Inspector