

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To

Mr. and Mrs. P. Vallis,
8 Highcroft Road,
Felden,
Herts.Paul Lyons, Esq., RIBA.,
Architect,
The Old School House,
Bridge Road,
Hunton Bridge,
Kings Langley, Herts.

.....Two storey side extension.....

.....

at8.Highcroft.Road, .Hemel.Hempstead, .Herts.....

.....

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 25th March 1983 and received with sufficient particulars on 31st March 1983 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 without notation on the Approved County Development Plan and in an area referred to as being within the extension of the Metropolitan Green Belt in the Approved County Structure Plan (1979) and the Dacorum District Plan, wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension 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 proposed extension, by reason of its mass and design is unsympathetic to the character of the existing dwelling and would represent an overdevelopment of this particular site.

Dated 13th day of May 19 83...

Signed.....

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, 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.
- (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 and Department of Transport

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| PLANNING DACORUM | PLANNING COUNCIL |
|---------------------|---------------------|

1) MB
2) JEB
3) JEW
4) TEAM 1
RETURN TO MB FOR
COMMITTEE REPORT

Mr P Lyons RIBA
Architect

The Old School House P.O.
Bridge Road
Hunton Bridge
KINGS LANGLEY
Herts WD4 8RQ

| | | |
|----------|-------|----------------|
| RM | Link | Your reference |
| D.P. | Admin | Our reference |
| Received | Date | |

T/APP/A1910/A/83/002580/PW2

3 NOV 1983

- 4 NOV 1983

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9.
APPEAL BY MR AND MRS P VALLIS
APPLICATION NO:- 4/0454/83

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum District Council to refuse planning permission for the erection of a bedroom, bathroom and study extension partly over an existing garage at No 8 Highcroft Road, Felden, Hertfordshire. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 11 October 1983.

2. From my consideration of the written representations and from my inspection of the site and surroundings I have concluded that the main issues in this case are whether the proposal is contrary to Approved Development Plan Policies and, if so, whether there is reasonable justification for such policies being overruled.

3. It is agreed that the site lies within the extended Metropolitan Green Belt and that the Approved Structure Plan states, in effect, that permission for extensions of the type proposed will only be given where there is shown to be an especial need - such as providing an adequate home for a key agricultural worker. As the type of need put forward on behalf of your clients does not appear to me to provide the type of especial need envisaged by the plan I have concluded that, in theory at least, the proposal is contrary to Approved Development Plan Policy. It is thus the second of my 2 main issues which would seem to be of paramount importance in this particular case.

4. In regard to this issue I found that Highcroft Road formed a somewhat unusual enclave in a predominantly rural area. It is a relatively short and straight cul-de-sac, which has been more or less fully developed with housing on both sides, and presents a typical suburban appearance. However, access to the road is from a fairly busy but nevertheless narrow lane, which is completely rural in character, and the development alongside the road is, in practical terms, largely divorced from any recognisable settlement. Notwithstanding the fact that the road is developed to a relatively high density, its visual impact on its surroundings is minimal because planting and topographical features largely ensure that it remains hidden from the view of the public at large. Indeed the development is so well hidden that one is largely unaware of its existence until such times as one is almost upon the junction between the road and the adjoining (Featherbed) Lane.

5. In these circumstances I concluded that development of the type proposed would have no real impact on the surrounding countryside - as it could not be generally seen and the dwelling would remain a single family house, albeit somewhat larger than that which exists at present.

6. Although the proposal would ensure that No 8 became one of the largest dwellings in the street others would, nevertheless, still be larger. Furthermore, while the size and appearance of dwellings in the street varies, the appearance of the proposed house would be similar to at least 2 other such buildings. Additionally, while the proposal would, for all practical purposes, occupy the whole width of the site, I noted that, in practical terms, other dwellings already do that. Because of this I have concluded that the extension, once completed, would not seem out of place and it would therefore be similar, in its effect, to a form of infilling in that it would not present a sense of enlargement of an existing built-up area.

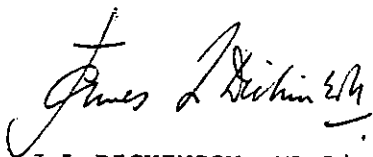
7. I appreciate that Highcroft Road is not a settlement within the normally accepted sense of the term. However, because of its unusual characteristics it is not viewed as part of the open countryside and as the proposal would not materially affect either its appearance or use I have concluded that the necessarily strict Green Belt policies can be overruled, in this particular case, without detriment to the objectives of those policies.

8. I have considered all the other matters raised in the written representations but have concluded that these lack sufficient strength to outweigh the considerations which have led 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 erection of a bedroom, bathroom and study extension partly over an existing garage at No 8 Highcroft Road, Felden, Hertfordshire, in accordance with the terms of the application (No 4/0454/83) dated 25 March 1983 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

10. 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 Sir
Your obedient Servant



J L DICKINSON MA DiplArch
Inspector