

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To P. R. Hinson, Esq.,
8 Elstree Road,
HEMEL HEMPSTEAD,
Herts.
HP2. 7NE.

..... Change of use of amenity green to residential garden ..
..... and erection of 1.8 m. high fence ..
at 8 Elstree Road, 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 and received with sufficient particulars on 30th March, 1981, and shown on the plan(s) accompanying such application..

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

The development proposed for this prominent open site would adversely affect the visual amenity of the area and have a detrimental effect on the street scene.

Dated 6th day of May, 1981.

Signed



Designation 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, Whitehall, London, S.W.1.) 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.



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Mr P R Hinson
8 Elstree Road
Woodhall Farm
HEMEL HEMPSTEAD
Herts
HP2 7NE

Your reference

Our reference

T/APP/5252/A/81/12092/G7

Date

- 4 FEB 1982

RECEIVED

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0473/81

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the change of use of amenity green to residential garden and erection of 1.8 m high fence at 8 Elstree Road. I have considered the written representations made by you, by the council and by interested persons. I inspected the site on 17 December 1981.
2. It appears that the plans on which the permission was given for the building of the estate envisaged the planting of a hedge from the south-east corner of your end terrace house to the end of the plot, thus enclosing a rectangular garden behind the house and leaving the land from the side of the house to the path alongside Elstree Road as open amenity space.
3. However the hedge was never planted and you bought the land at the side of the house. You now want to enclose part of that land. The enclosing fence, about 6 ft high, would run for almost 50 ft at the back of the plot and about 60 ft along the footpath of Elstree Road, cutting back to the side of the house with a front fence about 13 ft long. The main question to be answered, it seems to me, is whether the erection of such a fence, and the resulting loss of open area would cause serious damage to the appearance of the neighbourhood. If so, are there nevertheless sufficiently weighty reasons to justify allowing the erection of the fence to go ahead?
4. You point out that you have to maintain the land in question and you and your neighbours have always regarded it as your garden. You do not propose to enclose any part of the land at the front of your house. The appeal site will, you argue, be screened by the landscaped area to the east, fronting Shenley Road. You cite a number of instances on the estate where similar enclosures have been allowed including one at 1 Bramfield Place which was allowed an appeal in 1980. Moreover there are special reasons justifying permission for a fence round your property because your garden is at present completely open from the road and your wife is expecting a baby.
5. I have taken full account of these arguments and of all the other matters raised in the representations. I was particularly impressed by the need for the enclosure of a back garden area to give you some privacy and a safe playing area for children. This however could be achieved without enclosing the area at the side of the house.

6. I have also noted other enclosures which have taken place on the estate, but in my opinion the council is right in seeking generally to maintain the open amenity areas and judging any proposed enclosure on its merits. The area at the side of your house is conspicuously visible from a number of vantage points and in my opinion makes a significant contribution to the open character of the estate. To enclose it with a 6 ft high wooden fence would, I believe, inflict substantial damage on the appearance of the neighbourhood. If an enclosure were permitted in such a conspicuous location it would create a precedent making it very difficult to resist enclosures of substantial parts of the other amenity areas on the estate.

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

I am Sir
Your obedient Servant


S J VINCENT
Inspector