

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning

Ref. No. 789/75D

Other

Ref. No. 4/0488/73

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To **M/s E. Rafferty,
50 Pelham Court,
Hemel Hempstead,
Herts.**

**Agent: Foster & Emery,
Chartered Surveyors,
29 High Street,
Hemel Hempstead,
Herts.**

Garage

at **Coronation Villas, Leverstock Green, 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 **22nd May 1975** and received with sufficient particulars on **23rd May 1975** 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 proposal is unsatisfactory in isolation and constitutes piecemeal development unrelated to the potential of the plot.**
- (2) **No provision is made for turning space and use of the development as proposed would be a source of potential danger on the adjacent highway.**

Dated **10th** day of **September** 19**75**

Signed 

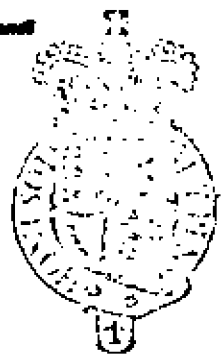
Designation **Director of Technical Services**

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.

789/751

2526/197



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Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 400

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C W Kirk Esq
Wainwrights
Solicitors
29 High Street
Hemel Hempstead
Herts

Your reference

Our reference

T/APP/5252/A/76/1730/G5

Date

23 SEP 1976

Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MISS E RAFFERTY
APPLICATION NUMBER 4/0488/75

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 erection of a garage on a plot adjacent to Coronation Villas, Leverstock Green, Hemel Hempstead. I held a local inquiry into the appeal on Tuesday 3 August 1976.
2. From my inspection of the site and the surroundings and the representations made I am of the opinion that the determining issue is whether this proposal would constitute an unacceptable danger to the users of the footpath and the highway.
3. It was contended on your behalf that when No 1 Coronation Villas becomes vacant you will need a garage and in the absence of space at No 1, you have bought a small plot in the south-east corner of No 2 Coronation Villas for this purpose. In order to provide adequate manoeuvring space to enable your car to enter the A414 in a forward direction you propose to use the grass verge adjoining the highway. You intend to treat an area 16 ft 8 ins deep by 24 ft 3 ins wide with Grascrete blocks in a similar manner to the verge in Northridge Way, Hemel Hempstead which is used for the parking of vehicles.
4. The local planning authority considered that the use of the grass verge to provide such turning facilities is not acceptable. The verge is not apparently in your ownership and the provision of a surfaced area would encourage the parking of vehicles on the verge which will be obtrusive and obstruct the visibility of traffic emerging from the nearby Curtis Road onto the A414. They further considered that the depth of the space proposed falls well short of the county standard of 38 ft and thus because of difficulties in achieving a three point turn could lead to a temptation to reverse into the highway.
5. I noted that the proposed use of the garden of No 2 for a private garage was accepted by the local planning authority at the inquiry subject to adequate manoeuvring space within the curtilage of the garden so as to enable a vehicle to exit in a forward direction. This is a view with which I concur. I also find myself in agreement with the points put forward by the authority which I have described above. In addition I am satisfied that a vehicle attempting a three point turn would also be a hazard to pedestrians using the public footpath.
6. I consider, therefore, that the proposed development would be inappropriate and would be a potential source of danger to both pedestrians and road users.
7. I have taken account of all the other matters raised including the question of the ownership of the verge and the use of Northridge Way for the parking of vehicles,

but they are not of sufficient weight to alter my decision. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss the appeal.

I am Madam

Your obedient Servant

A handwritten signature in cursive script, appearing to read 'John Barratt'.

JOHN BARRATT MSc BSc(Civil Eng) DipTP FRTPI
Inspector