

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD

To Mr P C James
20 Grasmere Close
Leverstock Green
Hemel Hempstead
Herts

.... Reposition of Garden Fence and Change of Use from
 Amenity Land to Residential Garden
 at 20 Grasmere Close, 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
 5.3.90 and received with sufficient particulars on
 27.3.90 and shown on the plan(s) accompanying such
 application..

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

The proposed enclosure of amenity land and its use as residential garden land would result in the loss of an area of open amenity green and have an adverse effect on the environmental character and appearance of the area.

Dated Fifth day of June 19 90

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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 the date 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

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C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	Your reference
						File
Received						Our reference
14 FEB 1991						T/APP/A1910/A/90/172550/P8
Comments						Date
						13 FEB 91

P C James Esq
20 Grasmere Close
Leverstock Green
HEMEL HEMPSTEAD
HP3 8QZ

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 4/0491/90

1. As you should have been informed the Secretary of State for the Environment has appointed me to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for the repositioning of a garden fence, and the change of use of amenity land to private garden, at 20 Grasmere Close, Leverstock Green, Hemel Hempstead.
2. I made an unaccompanied visit to the site and inspection of the surroundings on 30 January 1991 and have considered the written representations made by you, the local planning authority and interested persons, including those made directly to the council which have been forwarded to me. It is my opinion that the decision in this appeal rests primarily on whether the incorporation into your rear garden of the land adjacent to the back of the footway in Grasmere Close would affect the open character of the estate.
3. Your house is situated on the corner of Grasmere Close and Malmes Croft and is on a common building line with 3 adjoining houses fronting on to the latter road. The garden actually abutting the road junction is unfenced, maintaining the 'open plan' appearance of this part of the estate in common with other such junctions, but there is a fence on the flank boundary of the rear garden facing Grasmere Close, which is about 12 m in length, and is set back from the footway some 2.4 m. The front gardens of the houses fronting on to the remainder of the eastern side of the road are unfenced.
4. Your proposal is to erect a new fence 1.8 m in height adjacent to the back of footway for the full length of your back garden and thereby enclose the land that is open at present. The council do not consider this would be desirable as it would result in the loss of the spaciousness that the amenity land provides. I noted during my inspection that there are a number of other such small open areas on the estate, for example on the corner of Crossfell Road and Ullswater Road, and the council consider that they all help to preserve the pleasant spacious environment, notwithstanding that the gardens of most of the houses are of modest size.
5. I accept that the open areas do contribute to the pleasant appearance of the streets, especially those at the side of properties fronting on to the junctions, for example your house and comparable houses on the corner of Malmes Croft and Crossfell Road as the side fences would otherwise more noticeably protrude in front of the remainder of the houses. You have mentioned the fence that comes right out to the back of the footway at the side of the footpath connecting Crossfell Road and Grasmere Close, and I accept that this is a prominent feature, although it is not in

any way comparable to a fence running parallel to the footway immediately behind it, and it does of course give some privacy to the houses adjacent to the footpath.

6. I also noted the fences that abut the back of the footways in Malmes Croft on either side of The Horseshoe, but I do not consider that the appearance of this junction is as attractive as other street corners. I am also conscious of the fact that if permission were granted for your proposal it would be difficult to refuse, equitably, other such proposals which cumulatively would have a serious effect on the pleasant openness of the estate.

7. I note the council's statement that the erection of a fence 1.8 m in height in the position shown on the plan accompanying your application would obstruct visibility along the footway adjacent to your driveway. If the fence actually abutted the driveway in a similar fashion to that of the house on the corner of The Horseshoe and Malmes Croft that would be so as there would not be a sight line of 2.4 m. However if there had been no other objection to your proposal, this problem could have been overcome by providing an adequate splay on the north-west side.

8. This conclusion does not of course change my view that it would be undesirable for the small open areas on the estate to be enclosed within the front and side gardens of houses, or that it is necessary to refuse permission for your proposal in the public interest.

9. I have examined all the other matters raised in the written representations, but there is nothing of sufficient substance to outweigh those considerations that have led to my decision.

10. 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 handwritten signature in dark ink, appearing to read 'J M Daniel', written in a cursive style.

J M DANIEL DFC FBIM
Inspector