

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Pillings Limited
28 Rucklers Lane
Kings Langley
Herts

Lardi Cox and Partners
1 The Old School House
George Street
Hemel Hempstead
Herts

Retention of air handling duct
at Pillings Ltd, 28 Rucklers Lane, Kings Langley


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 26 March 1990 and received with sufficient particulars on 28 March 1990 and shown on the plan(s) accompanying such application.

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

The duct by virtue of its siting and appearance is seriously detrimental to the visual and general amenities of the occupants of adjacent dwellings.

Dated Tenth day of May 1990

Signed 

SEE NOTES OVERLEAF

P/D.15

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 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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DACORUM BOROUGH COUNCIL						
DEPARTMENT GTN 1374						
Ref						Ack.
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
Received						1 NOV 1990
Comments						

Your reference

Our reference

T/APP/A1910/A/90/157868/P8

Date

30 OCT 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY PILLING LIMITED
APPLICATION NO: 4/0499/90

- I have been appointed by the Secretary of State for the Environment to determine your client's appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the retention of an existing air handling duct at the roof level of a workshop, 28, Rucklers Lane, Kings Langley, Hertfordshire. I have considered the representations made by you and by the Council and by the Kings Langley Parish Council and by interested persons. I have also considered those representations made directly by other interested persons to the Council and forwarded to me. I inspected the site on 20 September 1990.
- From my inspection of the site and its surroundings, and my consideration of the representations, I have come to the conclusion that the decision in this case turns upon whether the duct is seriously detrimental to the existing standard of visual amenity enjoyed by the occupants of the adjoining dwellings.
- The disputed duct has been constructed on one roof slope of a substantial brick building which is used for the spraying of car bodies. This building is one of a number on this site which are utilised for the repair of motor vehicles. Although this garage is bounded to the south and east by gardens, and to the north and west by open countryside, I consider that due to the form of its buildings, its overall character is that of an industrial enclave set on the edge of a sizeable village that lies within the Dacorum Green Belt.
- There are a number of ducts on the roof of this building which were erected prior to the disputed duct. I consider that these ducts, and especially those which project above the ridge, together with the building upon which they sit, constitute a modern industrial structure which has an unattractive appearance. Although the disputed duct is larger than the other ducts, in my opinion it is neither so large nor so dominant as to be significantly more unsightly than them. Further, this duct does not, to my mind, notably increase the unsightliness of this industrial building. I am therefore unable to accept that this duct has caused a significant diminution in the standard of visual amenity that the occupants of the houses which overlook it enjoyed prior to it being erected.
- Paragraph 28 of Planning Policy Note No. 1 advises that concern relating to aesthetics should be confined to those aspects which are significant to the aesthetic quality of the area. I accept that this duct is a feature which is

unsightly when considered in the context of a residential area. However, your client's premises comprise an industrial complex. As I consider that its industrial character is predominant within the immediate locality, I have concluded that the duct is not significant to the area's aesthetic quality, as it is an industrial feature similar to others within the complex.

6. I have taken note of the many representations which relate the duct and the operation of the garage to the Dacorum Green Belt. The Council do not claim that the garage is an unauthorised use within the Green Belt. Hence I am unable to accept that it is inappropriate to erect the duct because it represents an inappropriate activity within the Green Belt. Further, as it is visually compatible with the existing garage, I am unable to accept that it, by itself, represents an unwarranted visual intrusion into the Green Belt.

7. The Council do not dispute that air is drawn into the building through this duct. In the light of the equipment which you showed to me, and the fact that no technical evidence demonstrating that fumes emanate from it has been presented by the Council, or by the other parties, I am not convinced that it is responsible for noxious or annoying emissions. I have considered all other matters raised, including the question of resiting the duct; and your explanation as to why your client erected it without first obtaining planning permission, and I find that none of these is of such import as to override the conclusion on the major issue that has led to my decision.

8. For the reasons given above, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the retention of an existing air handling duct at the roof level of a workshop, 28, Rucklers Lane, Kings Langley, Hertfordshire, in accordance with the terms of the application No. 4/0499/90 and the plans submitted therewith. This letter does not convey any approval or consent which may be required under any enactment other than Section 57 of the Town and Country Planning Act 1990.

I am Gentlemen
Your obedient Servant,



GEOFFREY S S LANE, DiplArch DiplTP RIBA MRTPI
Inspector