

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD

To Mr A Wright
44 Rectory Lane
Kings Langley
Herts

Mr P W Abbiss FRICS
"Flintwood"
Kingsdale Road
Berkhamsted HP4 3BS

..... Two Storey Side Extension

at 44 Rectory Lane, Kings Langley, 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 28.3.90 and received with sufficient particulars on 2.4.90 and shown on the plan(s) accompanying such application.

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

There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.

Dated Eighth day of June 1990

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.



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Department of the Environment

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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.			Ack.			
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
Received			3 OCT 1990		Date	
Comments						

Your reference

Our reference

T/APP/A1910/A/90/162336/P8

2 OCT 90

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR A WRIGHT
APPLICATION NO: 4/0530/90

1. As you should have been informed, the Secretary of State for the Environment has appointed me to determine the above mentioned appeal against the decision of the Dacorum District Council to refuse planning permission for a 2 storey side extension at 44 Rectory Lane, Kings Langley.

2. I made an unaccompanied inspection of the site and surroundings on 18 September 1990, and I have considered the reason for refusal given by the local planning authority, your grounds of appeal, and the written representations made by the Kings Langley Parish Council, 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 dwelling as extended would have adequate off-street parking facilities.

3. The Council have not made any written representations in support of their reason for refusal, although more than 8 weeks have now elapsed from the "starting date" of the appeal as notified in the timetable sent to both parties on 26 July 1990. However it is clear that their sole stated objection to the proposal stems from the fact that they do not consider their recently adopted car parking guidelines of 3 off-street parking spaces for 4 and 5 bedroomed houses, which is intended to apply to the extension of existing buildings as well as new developments, could be met. These guidelines were forwarded with the Council's answers to the appeal questionnaire on 24 August 1990.

4. You maintain that the new requirement could be met in practice as 2 modestly-sized cars could be parked in tandem in the garage that would replace the existing car port as it would have a length of 8.35 m. A further car could be parked in front of the garage which would be some 6 m back from the edge of the footway. You also point out that if necessary 2 cars could be parked side by side in front of the garage without encroaching into the existing garden to any great extent by slightly widening the driveway.

5. It seems to me that your arguments have some weight. The overall length of the garage is less than the 9.6 m that would be normally required for 2 standard parking spaces of 4.8 m depth each, but the Council's new requirement for 3 off-street parking spaces could still be met even if 2 cars could not be accommodated in tandem in the garage. I note that the new guidelines contain a reference to a minimum requirement of 7.3 m for manoeuvring space in respect of garages and car ports, rather than the normal 6 m for hardstandings. The reason for this greater distance,

and whether it applies in this instance, is not readily apparent, but while I appreciate that there is no space available for cars to turn clear of the highway, this deficiency already exists - as it does at very many older dwellings. In the circumstances it seems to me that the parking space available in front of the garage would be adequate.

6. I note that the Parish Council consider that the proposed extension itself would be an "over-development of a narrow site in the green belt", and I accept that in relation to the existing quite narrow semi-detached house, it would be large in that it would approximately double the present size. It would also extend right out to the flank boundary with No 46 Rectory Lane (not shown on the submitted plan), but I have no knowledge of the Council requiring space to be left between the sides of dwellings and the flank boundary of the garden as postulated in Development Guidelines of some other authorities. The extension would not cause any material harm to the residential amenities of the occupiers of that property, and the local planning authority themselves have not raised any objection on this account, or because the extension would be inappropriate on green belt grounds - presumably because the property is within the limits of a built-up area.

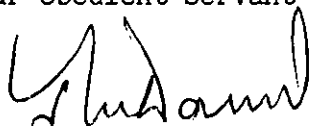
7. In the absence of any other substantial objection, I am of the opinion that it would be justified to make a minor exception to the Council's new parking guidelines in this instance, and although I have examined all the other matters raised, there is nothing of the substance needed to persuade me that there are sufficient reasons to justify refusing permission.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a 2 storey side extension at 44 Rectory Lane, Kings Langley in accordance with the terms of the application No 4/0530/90 dated 28 March 1990, 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.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Sir

Your obedient Servant



J M DANIEL DFC FBIM
Inspector