

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr Kirton
"Highlands"
Gravel Path
Berkhamsted
Herts

NHM
138 Cemetery Road
Houghton Regis
Beds LU5 5DE

.....One dwelling (outline).....
.....
at...adjoining "Highlands" Gravel Path, Berkhamsted.....
.....

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 dated12. December. 1988..... and received with sufficient particulars on28. March. 1989..... and shown on the plan(s) accompanying such application.

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

The local planning authority is of the opinion that due to its size, shape, position and levels in relation to adjoining land, the site is not suitable to accommodate a detached dwellinghouse in accordance with the Council's environmental standards as specified in Policy 66 of the adopted Dacorum District Plan for the following reasons:-

- (a) The application site edged red on the submitted location plan (1:1250) fails to include any of the land associated with "Highlands".
- (b) The details shown on drawing no. K/88/1 Rev A fail to show that there is adequate space on the site and land within the residual curtilage of "Highlands" to accommodate vehicle parking and turning facilities to serve both the existing and proposed dwellings, in accordance with the Council's standards. Excessive vehicular movements would also be detrimental to the residential amenity of "Highlands" by reason of noise and disturbance.

Dated Day of

Signed.....
Wm. Bennett

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 receipt 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.

- (c) The use of the restricted parking and turning facilities shown on drawing no. K/88/1 and referred to in (b) would be likely to lead to conditions prejudicial to highway safety due to conflicts in vehicular movements within the restricted area available and within Gravel Path which is a steep, relatively narrow section of highway.
- (d) The details shown on drawing no. K/88/1 Ref A fail to indicate that sight lines of 2.4m x 70m could be provided in accordance with the Council's adopted standards.
- (e) The provision of a sight line in a north easterly direction is likely to require the removal of the existing boundary fence abutting Gravel Path. The resultant regrading of part of the application site would reduce its size and therefore the site would be inadequate to accommodate the dwelling, associated parking/turning facilities and appropriate boundary treatment.
- (f) The juxtaposition and height of a dwelling in relation to "Whitehill Cottage" to the immediate north west is likely to cause a loss of privacy by reason of overlooking.
- (g) The dwelling which would occupy a particularly prominent position opposite the junction of Gilpins Ride with Gravel Path would appear cramped and isolated and consequently detract from the visual amenity of the street scene due to its position, relative height and exposed nature as a result of the highway requirements referred to in (d).

Dated this Fourteenth day of September 1989

Signed



CHIEF PLANNING OFFICER