

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Alath Construction Ltd
24 Lincoln Court
BERKHAMSTED
Herts

A E King
Dovecot Barn
Alder Park Meadow
Long Marston
TRING

...Two detached bungalows.....

at 13 Barncroft Road.....

... Berkhamsted, 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 dated06.04.1990..... and received with sufficient particulars on09.04.1990..... and shown on the plan(s) accompanying such application..

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

The proposed bungalows, with their limited frontages, and occupying a prominent location visually in the street scene would appear cramped and at variance with the prevailing character of Barncroft Road.

Datedthis twelfth..... day ofJuly.....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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PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

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Ref.					Ack.	
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File
Received			15 FEB 1991			
Comments						

Your reference:

Our reference:

T/APP/A1910/A/90/164386/P2

Date:

14 FEB 91

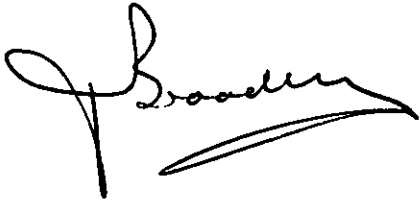
Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY ALATH CONSTRUCTION LTD
APPLICATION NO 4/0562/90

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal. This appeal is against the decision of the Dacorum Borough Council to refuse full planning permission for the erection of two detached bungalows at 13 Barncroft Road, Berkhamsted. I held a hearing into the appeal on 5 February 1991.
2. From the matters put to me at the hearing and from my subsequent inspection of the site, I find that the main issue in this appeal is whether the proposed bungalows would unduly harm the built character and appearance of Barncroft Road.
3. Neither the approved County Structure Plan, nor the adopted District Plan contains any provision which opposes the redevelopment of land for residential purposes in Barncroft Road. However, District Plan policy 18 requires that all proposals for new development should pay particular regard (amongst other things) to the location and design of adjacent development.
4. The character of Barncroft Road is that given by mostly modern dwellings having wide front elevations, and having long road frontages. Your client's project is for the erection of two bungalows whose front elevations would be much narrower than those of other dwellings in the road, and whose frontage lengths would be much shorter than others in the road. In these circumstances, I find that this project pays scant regard to the location and design of adjacent development. Further, I judge that the proposed bungalows would be small enough to be seen as very discordant with the other dwellings in the road thus causing an undue level of harm to the built character and appearance of Barncroft Road.
5. I have considered your view that you have designed the bungalows to accord with the criticism of a previous project for two five-bedroomed houses on the appeal site which was dismissed on appeal in January 1990, in particular that the total of the built elevational lengths of the two proposed bungalows has been chosen to not exceed the elevation length of the present 13 Barncroft Road. However, I find that neither this, nor the other matters raised at the hearing go any significant way towards meeting the harm which I have identified in paragraph 4 above. Hence, my decision is that this appeal should be not successful.

6. For the above reasons and in the exercise of 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.D. Broadley'. The signature is fluid and cursive, with a long horizontal stroke at the end.

J.D. BROADLEY, BSc, MEng, CEng, MICE, MStructE.
Inspector.