

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. D.B.Rees,
Ferndale,
Church Lane,
Sarratt,
Herts.

Stimpsons Cruickshank,
14A St.Albans Road,
Watford,
Herts.

.....Erection of 21 flats at 'Honors Mead'.....
.....Chesham Road/Howard Agne Close, Bovingdon.....
at.....
.....

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 22nd April 1983 and received with sufficient particulars on 26th April 1983 amended 19th July 1983 and shown on the plan(s) accompanying such application.

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

1. The scale and density of development proposed is excessive and unwarranted in this location and would if permitted, result in a form of development out of character with the general pattern of housing in the area.
2. The proposed development is poorly sited in relation to adjoining and nearby residential properties, and would prove injurious to the general amenity of the area.
3. The proposal would give rise to increased traffic congestion in Howard Agne Close.

Dated 1st day of September 1983

Signed.....

Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.



**Department of the Environment and
Department of Transport**

Common Services

8350

Room 1422 Tollgate House Houlton Street Bristol BS2 9 DJ

Telex 449321

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Direct line 0272-218 927
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CHIEF EXECUTIVE
OFFICER

26 JAN 1984

File Ref.
Refer to
Cleared

Reporting to next Clerk

Messrs Stimpsons Cruickshank
14A St Albans Road
WATFORD
Herts
WD1 1RX

Ack.

Admin.

File

Your reference

JN/LW

Our reference

Received

27 JAN 1984

T/APP/A1910/A/83/006930/PH2

Date

Comments

25 JAN 1984

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MR D B REES

APPLICATION NO:- 4/0564/83

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum District Council to refuse outline planning permission for the erection of 21 flats at Honours Mead, Chesham Road-Howard Agne Close, Bovingdon. I have considered the written representations made by you, the council, the Parish Council and also those made by other interested persons. I inspected the site on 20 December 1983.

2. From my consideration of the written representations and from my inspection of the site and surroundings I have concluded that the main issues in this case are whether the scale and density of development is out of character with its surroundings, whether it would lead to traffic congestion in adjoining roads and whether it would, due to its siting, so detract from the amenity and privacy of adjoining dwellings as to justify refusal of the application.

3. In regard to the first issue I would accept that surrounding development is mainly either of bungalows, chalet bungalows or 2-storied houses. However while such development is typical of Bovingdon as a whole I noted that 3-storied blocks of flats exist at the northern end of Howard Agne Close. As these appear to be of fairly recent construction it must be assumed that not so very long ago the relevant planning authority did not consider that such development was necessarily out of character and this seems to me to be correct - for these buildings sit well amongst their surroundings and neither dominate nor conflict with the appearance of their smaller neighbours. In my opinion therefore it cannot reasonably be held that a form of 3-storied development on the site would necessarily be out of character with its surroundings and, given that the application is for outline approval only, I do not consider that the scale of development forms a reasonable ground for refusal - more especially since the proposed flats will, in any case, be surrounded by mature forest trees.

4. In regard to the question of density I would accept the council's argument that the development may well be nearly 4 times greater than that which surrounds it - when measured in dwellings per acre. However while much of the older adjoining development consists of single buildings set on relatively large plots newer developments, such as that which largely forms Howard Agne Close, consists of terraced housing on relatively small plots. Given therefore that the proposed flats are smaller dwellings than those in the Close I consider that it is extremely doubtful

whether the density in bedspaces per acre is larger in the proposed development than that which exists within the Close. Indeed, in my opinion, the reverse is probably more accurate and given that the scale of development has been found generally acceptable I consider that arguments about density are somewhat academic in that regardless of the facts of the matter the 'new' density would not, in its visual effect, appear to be so very different to that of much of its neighbours. Because of this I also consider that the density of development cannot be held to provide a reasonable ground for refusal.

5. In regard to my second issue I note that the Highway Authority have raised no objection to the proposal and in my view, while the development will lead to increased vehicular movement within Howard Agne Close, this is unlikely to lead to such congestion as to justify refusal of the application. Questions have been raised about the adequacy of parking arrangements for the development but given that the application is for outline approval only and, given the area of land available, I cannot foresee circumstances arising whereby any reasonable parking requirements put forward by the council should not be met. Consequently I do not consider that highway and related considerations do provide a reasonable ground for refusal.

6. In regard to my last issue I would accept that difficulties could be experienced in maintaining adequate and reasonable privacy within existing houses. However whilst the application plan gives an indication of the position of the flats it gives no information as to the detailed design. As I therefore consider that, possibly in conjunction with some slight adjustment to the layout, detailed design in regard to such factors as the position of windows, balcony screening and the like could ensure that no habitable room or balcony had a direct view into any adjoining house - Lymba and Honours Mead Cottage in particular - problems of unacceptable overlooking or loss of privacy need not necessarily arise. Given therefore that control of this feature of design will still rest with the council it seems to me that this last issue cannot reasonably be held to form a justifiable reason for refusal.

7. I have considered all the other matters raised in the written representations but have concluded that these lack sufficient strength to outweigh the considerations which have led to my decision.

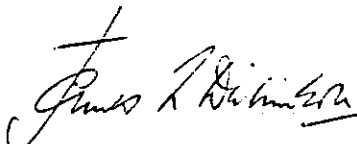
8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for the erection of 21 flat at 'Honours Mead', Chesham Road/Howard Agne Close, Bovingdon in accordance with the terms of the revised application (No 4/0564/83) dated 22 April 1983 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this letter; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

9. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

10. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



J L DICKINSON MA Dipl Arch
Inspector