

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To E. J. Waterhouse & Sons Ltd.  
Kings Works, Kings Lane  
Chipperfield  
Herts.

Hooper Skillen Associates  
National Westminster Bank Chambers  
84 Watling Street,  
Radlett, Herts.

9 2-bedroom houses, 9 1-bedroom houses, 2 3-bedroom houses  
6 2-bedroom flats, and ancillary garages and parking  
at Austins Mead  
Chipperfield Road, Bovington

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 3rd May 1983 and received with sufficient particulars on 6th May 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 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. Having regard to the limited width of the highway and the sub-standard provision of off-street car parking in Austins Mead generally, the local planning authority considers the existing estate road to be entirely inadequate to serve a development of the scale proposed.

Dated 30th day of June 1983.

Signed *W. B. Marshall*

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

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21 DEC 1983

COUNCIL

Ack:

Admin.

File

Your reference

Received

21 DEC 1983

Our reference

Comments T/APP/A1910/A/83/004262/PH3

Date

19 DEC 83

RETURN TO ~~DEPT~~ FOR  
COMMITTEE REPORT

Messrs Hooper Skillen and Associates  
Regency House  
43 High Street  
RICKMANSWORTH  
Hertfordshire WD3 1ET

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY E J WATERHOUSE AND SONS LTD  
APPLICATION NO:- 4/0611/83

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for 9 one-bedroomed houses, 6 two-bedroomed flats, 9 two-bedroomed houses, and 2 three-bedroomed houses at Austins Mead, Bovingdon, Hertfordshire. I have considered the written representations made by you and by the council and also those made by the parish council and other persons. I inspected the site on 31 October 1983.
2. In my opinion, from my inspection of the site and its surroundings and from the representations made, the main issues are firstly whether the proposed development would be so dense as to be unacceptable, and secondly whether the access would be adequate.
3. Austins Mead is built around a U-shaped estate road. The houses were originally intended for airmen's married quarters. The original 1959/1960 layout was for 63 houses, because that was the maximum number which the Air Ministry anticipated they might eventually require. But in the event only 44 houses were required and built. They were built around the inside of the U, but leaving an undeveloped central space and access to it; and were also built along the outsides of the straight legs of the U. No houses were built on the outside of the curved part of the U, which forms the present appeal site. Later, the RAF need for the quarters ceased, and the houses were sold off to members of the public.
4. The site was one without notation in the old Hertfordshire County Development Plan. The County Structure Plan was approved by the Secretary of State in 1979. The Dacorum District Plan has been deposited but not yet approved. The appeal site is shown to be allocated for residential purposes within Bovingdon Village Proposal Map which forms part of that Plan. In 1980 the Property Service Agency applied in outline for 11 dwellings on the appeal site. This was accepted by the council subject to drainage limitations being overcome before the land was sold.
5. On the first issue, I consider that the layout and appearance of the proposed dwellings to be certainly not inferior, and probably to be better than the existing dwellings in Austins Mead. They are somewhat repetitious in appearance, and as the Residents' Association very sensibly and openly wrote in their petition "Residents have purchased the properties accepting their obvious aesthetic limitations". The proposed open amenity space for occupants of the new dwellings is not generous, but appears to me adequate, and car parking is to be provided on a more generous scale than the council's standard. It was suggested that the development would

present a hard edge to the green belt, but planning permission already exists for houses on this land, a row of houses on Green Lane backs onto the same green belt field as the appeal site houses would, and houses nearby on both sides of the Chipperfield Road are in the green belt. The appeal site is separated from the green belt by a high hedge, which provides a useful screen, at least while it is in leaf, and I shall therefore make a condition for it to be retained. The proposed density is greater than the 1959/1960 plans but attitudes to density have altered since then generally to permit and to encourage greater densities in order to make better use of the land. The fact that outline planning permission was given for 11 dwellings on the appeal site in 1980 is no reason why the number should necessarily be restricted to 11. I see nothing in the proposed density to harm the appearance of the estate, to adversely affect its character, or to harm the green belt.

6. On the second issue, the County Surveyor accepts that the existing 16 ft carriageway with footpaths on both sides is up to the standard laid down in Design Guides for a development of this size, and does not object to the proposals. It would require most convincing reasons for me to dismiss the appeal on grounds that the access, although meeting national guidelines, was inadequate. Some local residents are clearly alarmed about the effect of the new dwellings on existing parking conditions, and the District Council appear to follow the same line. I understand their line of thought. The existing estate, like many throughout the country, was built when car ownership was far less widespread than it is today, and no provision was made for off-street car parking. Consequently the estate road now sometimes becomes congested with parked cars of occupants and their visitors. However, the proposal includes off-street car parking to a greater number than the council's standard requires. Several occupants of existing houses on the estate have made off-street car parking spaces, and others may well do so. Austins Mead is not part of any through traffic road. It is purely a residential loop. Emergency vehicles should have little trouble along this short length of estate road, as there is generally open space between the carriageway and the house fronts, should the carriageway become obstructed by parked cars whose drivers cannot be found. Therefore, I cannot accept inadequate access or car parking limitations as a sufficient basis to dismiss the appeal. Additionally, I take your point that both the council and the existing house owners have had the opportunity to buy the central unused land and use it for car parking, but the council did not buy it, and the house owners bought it but used it to extend their gardens. That however, is no more than an additional point, and my decision would be the same even ignoring that matter.

7. The question of drainage limitation is raised by some local people, but the council raise no objection, and they are in the best position to understand such technical matters. Some local people also objected on the grounds of loss of view or open play space, but residents cannot expect land owned by other people to remain undeveloped in order to provide them with a view, and in this case outline planning permission for residential development on the appeal site has already been agreed.

8. I have considered the other matters raised, but they are outweighed by the considerations which have led to my decision.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for erection of 9 one-bedroomed houses, 6 two-bedroomed flats, 9 two-bedroomed houses, and 2 three-bedroomed houses at Austins Mead, Bovingdon, Hertfordshire in accordance with the terms that the application No. 4/0611/83 dated 3 May 1983 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;

2. the existing hedges and trees in the hedges on the north-western, south-western and south-eastern boundaries of the appeal site shall not be lopped, topped or felled without the previous written consent of the local planning authority until 12 calendar months after completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed with the local planning authority or in default of agreement as shall be determined by the Secretary of State.

10. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by condition of 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.

11. 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 note that you have initiated action concerning the footpath.

I am Gentlemen  
Your obedient Servant



G V HAYWARD BSC FICE FIMEchE  
Inspector