

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Sketchland Limited
'Highbanks'
Glendale
Hemel Hempstead
Herts

Mr G V Bunyan
14 Queens Road
Berkhamsted
Herts
HP4 3HU

Detached dwelling and garage
.....
.....
at Adj. 79 Belswains Lane, Hemel Hempstead, 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 30 March 1988 and received with sufficient particulars on 11 April 1988 and shown on the plan(s) accompanying such application.

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

The access to the proposed development is substandard in width and visibility and is likely to give rise to conditions prejudicial to highway safety.

Dated 8 day of August 1988

Signed *Wm Bamford*

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.

there is no prospect of adequate visibility being obtained. You point out that traffic which is to be seen by emerging vehicles is that in the far lane of the carriageway. However this neglects the danger which may be caused by oncoming vehicles overtaking hazards which are just out of view, such as a parked vehicle, and the need for longer visibility to the far lane in order that an emerging right turning vehicle has adequate time to travel the longer distance to the far lane. It is also necessary for the driver of an emerging vehicle turning left to have adequate warning of obstructions to his progress, and for pedestrians to be able to see such a vehicle if they wish to cross from the nearside. For all of these reasons, I do not accept your theory, and consider that acceptance of an intensification of access traffic at this position would be likely to cause danger.

6. I have noted the councils objections concerning the width of the access, but I do not think that, had adequate visibility been available, minor alterations could not have been achieved by the imposition of reasonable conditions. I have taken into account all other matters raised in the written representations, including the safety of the existing access so far, but I do not find that they outweigh the planning considerations which have led me to my conclusions.

7. For the above reasons, and in exercise of the powers transferred to me I hereby ~~dismiss~~ this appeal.

I am Sir
Your obedient Servant



David Ward BSc(Hons) CEng MICE FIHT
Inspector