

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

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 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.



Planning Inspectorate
Department of the Environment

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**CHIEF EXECUTIVE
OFFICER**

3 MAR 1989

File No. CP 0 3/3
Refer to FEB
Decide JDB
3/RB

G V Bunyan Esq
Planning and Arboricultural Consultant
14, Queens Road,
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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					
Ref.	Ack.				
	Ref.	DC.	B.C.	Admin.	File
Received 3 MAR 1989					
Comments					

Our Reference:
T/APP/A1910/A/88/105178/P5
Date: -1 MAR 89

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY SKETCHLAND LTD
APPLICATION NO:4/0643/88

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of one dwelling and garage on land adjoining 79, Belswains Lane, Hemel Hempstead. I have considered the written representations made by you and the council, and I visited the site on 21 February 1989.
2. From my inspection of the site and its surroundings, and from the written representations I consider that the main issue in this appeal is whether a safe access could be achieved for the proposed dwelling.
3. Your client proposes to construct a new dwelling in front of No 79 Belswains Lane, so that the two properties would use an improved access which would replace the present access to the existing dwelling. There is no objection to the proposal in principle, provided that adequate visibility can be obtained. You firstly dispute the extent to which visibility is required, and secondly the extent to which adequate visibility is obtainable on the site. The council are guided by a local design guide produced by the Hertfordshire County Council, although you point out that different standards appear to have been accepted elsewhere. Bearing in mind that the Secretary of State will not support the use of standards which are in excess of those in Design Bulletin 32 for residential roads, I have applied the same test and considered your proposal in the light of national policies.
4. Belswains Lane is a moderately busy distributor road, which also appeared to me to have a function as a through route. It is subject to a 30 mph speed limit, has much frontage development and frequent junctions. Traffic appeared to me to be flowing at speeds near to the speed limit. In these circumstances Planning Policy Guidance 13 gives specific advice that a visibility distance of 70m is required on the main road, in either direction along the nearside kerb. This amount of clear visibility is necessary so that vehicles emerging from the access can see and be seen in time for either driver to take action needed to avoid collision.
5. I saw that, if the retaining wall on the frontage of the site were to be removed and the retained ground cut back, it would be possible to obtain satisfactory visibility to the right of the access. To the left however vision is limited by the presence of the wall dividing the appeal site from the next door property, and by overhanging shrubs beyond that. In my view

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