

Department of the Environment and
Department of Transport

Common Services

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CHIEF EXECUTIVE
OFFICER

16 JAN 1986

File No.

Date

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Mrs M Malin
31 Horselers
HEMEL HEMPSTEAD
Hertfordshire
HP3 9UH

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL						Your reference
Ref.					Ack.	Our reference
C.P.O.	D.P.	B.C.	B.C.	Admin.	File	T/APP/A1910/A/85/037003/P3
						Date
Received						13 JAN 86
Comments						

JMB
JEB
J. J. J.
J. J. J.

Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0652/85

- As you know I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for the change of use of amenity land to private garden land at 31 Horselers, Hemel Hempstead. I have considered the written representations made by you and the council. I inspected the site on 25 November 1985.
- From what I have seen and read I consider that the main issue in this case is whether or not the enclosure of this land for private garden space would adversely affect the appearance and amenity of the area to an unacceptable degree.
- The amenity land which is the subject of this appeal proposal is approximately 2.5 m wide and runs down the side of your house and garden for a length of about 35 m to join with a public footpath at the end. The land is grassed and has a row of four small but well established trees standing on it and it borders a road called Great Elms Road. At present your front garden abuts the eastern end of this amenity land and you propose to extend this down the side of your house to include a length of the amenity land approximately 10 m long. The area would be used as a garden and would be enclosed by a closeboarded fence with brick piers, the height of which you have not specified.
- I consider that this land makes a positive and significant contribution to the local street scene. The trees and grass are in good condition and the amenity strip is situated on a fairly steep slope in the road which makes it quite prominent when viewed from lower down the hill. However the enclosure of the land as you propose would not significantly harm this effect, in my opinion, since that part enclosed would be the land alongside the house and the high garden wall and the greater proportion of land would remain open. The enclosure of the strip of land close by the house would, I consider, make little or no difference to the appearance of this part of Great Elms Road. The land is already partly enclosed at this end by the front garden which has a low wall around it and overshadowed by the house which is built right up to the boundary.
- I have taken into account all the other matters raised in the representations but these have not been sufficient to override the considerations which have led me to the conclusion that this proposal would do no obvious harm to the appearance and amenity of the area.

6. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use of amenity land to private garden space at 31 Horselers in accordance with the terms of the application (No 4/0652/85) dated 28 May 1985 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this decision letter.

7. 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 Madam
Your obedient Servant

EB Williams

E B WILLIAMS DipTP ARICS MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mrs M Malin
31 Horselers
Hemel Hempstead
Herts

Change of use of amenity land to private garden
.....
.....
at 31 Horselers Hemel Hempstead
.....
.....

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 and received with sufficient particulars on 28.5.85 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 enclosure and use as garden land would reduce the existing area of amenity green and have an adverse effect on the environmental character of the area.

Dated 18th day of July 19 85.

Signed *W. B. Barnard*

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.