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15 APR 1985

File Ref.

Refer to ... *Lo*

Cleared

Mr P J Bandy BSc DipTP MRTPI

MIAS

"Roughdown Edge"

Roughdown Villas Road

HEMEL HEMPSTEAD

Herts

HP3 0AX

Your reference

PLANNING DEPARTMENT

Our reference: IM DISTRICT COUNCIL

APP/A/1910/A/84/22237/P4

Ref. Date

ACK.

C.P.O. DF

Admin. File

12 APR 1985

Received

15 APR 1985

Comments

Sir

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

APPEAL BY MR T I JONES

APPLICATION NO:- 4/0710/84

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal, which is against the decision of the Dacorum District Council to refuse planning permission for the erection of a chimney, porch and dormer window at "October House", Little Gaddesden, Hertfordshire. I have considered the written representations made by you and by the council. I inspected the site on 12 February 1985.

2. October House stands close to the main road which runs through the village of Little Gaddesden from Ringshall to Nettleden. Much of the village including the appeal site lies within a Conservation Area; there is a variety of terraced, semi-detached and detached houses exhibiting traditional features in the form of steeply pitched roofs, dormers, patterned brickwork and so on. October House itself is an 18th century house which has been altered and extended in the past and now comprises 2 pitched roof elements with a linking flat-roofed section.

3. From my inspection of the site and its surroundings, and from the representations made, I have formed the opinion that the determining issue in this case is whether the proposed dormer window, which is part of the appeal proposal, would be so detrimental to the architectural integrity of the house itself and to the visual amenities of the Conservation Area that planning permission ought to be refused. The chimney and porch which are also part of the appeal proposal are acceptable to the council and I have no wish to comment upon them.

4. It was clear to me on the occasion of my site visit that, although you say in your grounds of appeal that the dormer would only be visible from a short stretch of the highway to Ringshall, because of the curvature of the road at this point the proposed dormer is in a particularly prominent location. The council, supported by the County Council, is quite rightly anxious to preserve the traditional appearance of the Conservation Area and regards the proposed flat-roofed dormer as a modern and uncharacteristic feature. I noted the preponderance of gable- and hipped-roof dormers in the Conservation Area and I endorse the general objective of the council which seeks to maintain a high standard of design for proposals within the village. I understand too the basis for the council's concern regarding flat-roofed dormers and consider that in general they should be avoided in this setting. Nevertheless, in this instance there seem to me to be a number of unique circumstances which must be put in the balance against this view.

5. The existence of the flat roof along the spine of the house gives rise to practical difficulties for the construction of a gable-roofed dormer. These difficulties are by no means insuperable but a great deal of work would be involved in altering the existing flat roof so that all rain water runs off to the rear. Secondly, and more importantly, whilst many modern flat-roofed dormers especially those with a strong horizontal emphasis would be unmistakably alien to much of the traditional architecture of the village, the appeal proposal is only 2 m in width, and would in my view be a relatively insignificant element in the complex northern elevation presented by October House. Furthermore its position nestling as it would in the corner created by the 2 pitched-roof components of the house renders it more acceptable than a similar proposal on an otherwise featureless roof. Finally I have considered the possible appearance of any alternative proposal incorporating a gable roof to the dormer. I do not consider that the results are likely to be greatly preferable to the appeal proposal because of the increased bulk and height of the extension which would be produced and because of the uncomfortable way in which it would abut the existing flat roof.

6. Taking these factors into account I am satisfied that to allow this appeal would not prejudice the council's objectives for the Conservation Area as a whole either by compromising the architectural integrity of October House or by setting a precedent for future decisions in the Conservation Area.

7. I have taken into account all the other matters raised in the representations and concluded that none of them outweighs the factors that 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 planning permission for the erection of a porch, chimney and dormer window at October House, Little Gaddesden, Hertfordshire, in accordance with the terms of the application (No 4/0710/84) dated 22 May 1984 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 letter.

9. 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. Your attention is drawn to the provision of Section 277A of the Town and Country Planning Act 1971 (inserted into the Act by the Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of any building in a Conservation Area.

I am Sir

Your obedient Servant



MRS G R STEWART BSc DipTP MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To

Mr T I Jones
'October House'
Little GaddesdenMr P J Bandy
"Roughdown Edge"
Roughdown Villas Road
Hemel Hempstead

Chimney, porch and dormer window

at October House, Little Gaddesden

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 May 1984 and received with sufficient particulars on 22nd May 1984 and shown on the plan(s) accompanying such application.

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

The proposal would have a seriously detrimental affect on the character of the property itself and the overall street picture in a designated Conservation Area.

Dated 30th day of July 19 84

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.