

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



## DACORUM BOROUGH COUNCIL

To Mr L Brown  
'Torcrest'  
Hollybush Close  
Potten End  
Herts

P W Abbiss FRICS  
'Flintwood'  
Kingsdale Road  
Berkhamsted  
Herts

..... Detached Garage .....

.....

at ... 'Torcrest' ... Hollybush Close .....

..... Potten End .....

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 ..... 11.5.1990 ..... and received with sufficient particulars on ..... 14.5.1990 ..... 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 development by reason of its prominent location would be detrimental to the amenities of surrounding properties and the environment of the locality.

Dated ..... 10th ..... day of ..... July ..... 1990

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 the date 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

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## PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL

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Flintwood  
Kingsdale Road  
BERKHAMSTEAD  
Herts HP4 3BS

Ref.						Ack.	
P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	

Received

21 MAR 1991

Comments

Your Reference:

Our Reference:

T/APP/A1910/A/90/172727/P3

Date:

20 MAR 91

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR LES. BROWN  
APPLICATION NO :- 4/0728/90

1. 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 Borough Council to refuse planning permission for the erection of a single detached garage at Torcrest, Hollybush Close, Potten End. I have considered the written representations made by you, by the council and also those made by interested persons. I have also considered those representations made directly by other parties to the council which included those by the Nettleden with Potten End Parish Council that have been forwarded to me. I inspected the site on Monday 4 February 1991.

2. From my inspection of the appeal site and its surroundings and from the representations made, I am of the opinion that the main issue in this appeal is the effects of the proposal on the character and appearance of the area and upon the weight of any special circumstances which might override the presumption against development in the Green Belt.

3. The appeal site is the curtilage of a detached chalet bungalow, known as Tor Crest, which is one of a line of four similar bungalows situated on the west side of Hollybush Close. The dwelling immediately to the south of the site is known as Woodhay. Hollybush Close runs generally northwards from Water End Road to serve about sixteen dwellings on both sides of the road. Water End Road runs through generally open countryside with a small number of farms either side.

4. The appeal site lies within the Metropolitan Green Belt. The council refer to Policies 1, 47 and 48 of the Hertfordshire County Structure Plan 1986 Review, approved 31 May 1988, and Policies 1, 18 and 19 of the Dacorum District Plan. The Structure Plan policies seek to prevent development within the Green Belt except, in very special circumstances, to certain rural uses and to ensure that new development is concentrated in urban areas and for settlements in the Green Belt to be tightly contained. Policy 1 of the District Plan supports the Structure Plan Green Belt policy; Policy 18 seeks to protect the amenities of neighbours and the character and appearance of the area and Policy 19 deals with the provision of on-site parking based on the council's guidelines.

5. The council detail the planning history of the site and of the nearby properties. This shows that the original dwelling on the site had an integral garage which was converted into a habitable room. In 1988 planning permission was granted, on appeal, for the erection of a rear extension, dormer windows, alterations and garage at the appeal site. This proposal has been partly

implemented. Prior to receipt of this appeal decision, on 26 November 1987, the council granted permission for a single rear extension, dormer windows, alterations and garage. In December 1990 the council granted permission for a single storey side extension to form a garage adjacent to the boundary with Woodhay. The council state that, if this appeal succeeds, this permission could still be implemented.

6. On behalf of the appellant you state the proposal is submitted with the aim of maintaining the rural character of the Close and stopping the linear development. Your client is concerned about the effects of implementing the planning permission granted in November 1987 for various works, including an attached garage, on the neighbourhood. That approved garage has a high pitched roof and, in his view, would give the impression of attaching Torcrest to Woodhay. It would, thereby, be out of character within the area. The appeal detached garage would break up this linear effect. Moreover, being a detached building the roof could be lower with a different pitch and it could be located away from the boundary with Woodhay permitting the existing shrubbery to remain. You detail similar developments that have been approved by the council in Hollybush Close. You comment on the objections to the proposal made by the occupier of Woodhay and the Parish Council.

7. Dealing with the first main issue, I find that the character of the area is mainly derived from the large front gardens with the properties set back some distance from the road so that the impact of the buildings is minimal. There is a difference between the east side of Hollybush Close, where the properties are of individual design with no formal building line, and the west side which is dominated by the line of four similar buildings, which include Tor Crest, that are laid out to the same building line. In my view that linear relationship is an important feature. I consider that the proposed garage would be prominent. It would stand in front of the building line where it would diminish the open space in front of the existing house and would be clearly seen from many points in Hollybush Close. I have come to the view that the proposed garage would be out of keeping with the development on the west side of Hollybush Close and be harmful to the street scene.

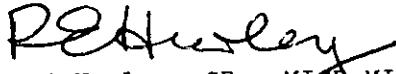
8. Turning now to the second issue, I find that the proposed garage would be a small, but unacceptable consolidation of the built-up appearance of the area thereby harming its semi-rural character. In my view the proposal would be contrary to one of the fundamental purposes of the Green Belt which is to safeguard the surrounding countryside from further encroachment whether the land forms part of the open countryside or part of a residential curtilage. No rural need has been claimed in this case and I do not consider that there are the very special circumstances in this case to outweigh the substantial harm that I find would be caused by the proposal.

9. You refer to other similar developments that have been approved by the council in Hollybush Close. As I saw at my site inspection these garages are located on the east side of Hollybush Close at a much greater distance from the road and the associated dwelling than the proposed garage would be so, in my opinion, they do not harm the character and appearance of the surrounding area. Accordingly, I find no good reason to alter my decision in this case.

10. I have taken account of all the other matters in the representations but I am of the opinion that they do not outweigh the considerations that have led me to my decision.

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

I am Sir  
Your obedient Servant

  
R E Hurley CEng MICE MIHT  
Inspector