

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

## THE DISTRICT COUNCIL OF DACORUM

## IN THE COUNTY OF HERTFORD

To J May  
78 Bronte Crescent  
Hemel Hempstead  
Herts

G Lake  
22 Octavia  
Roman Hill  
Bracknell  
Berks

...Change of use of land to residential and erection .....  
...of one dwelling and garage .....  
at Land adjacent to 78 Bronte Crescent 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 ..... 2nd. June. 1983 ..... and shown on the plan(s) accompanying such application..

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

1. The proposed enclosure of the open amenity land and its use as residential garden would reduce the existing area of amenity green in the vicinity and would have a seriously detrimental effect on the open character of the area.
2. The location of the dwelling and integral garage is such that there is insufficient room to stand a vehicle within the curtilage clear of the garage doors thus having an adverse effect on general amenities and presenting a hazard to pedestrian and vehicular traffic on the highway.

Dated .... 21st ..... day of .... July ..... 19 83 ....

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, Moulton 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.



# Department of the Environment and Department of Transport

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PLANNING DEPARTMENT  
DACORUM DISTRICT COUNCIL

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Ack

C.P.O.

D.P.

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Admin.

File

Your reference

Received  
Our reference

1984 -1 FEB 1984

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T/APP/A1910/A/83/06784/PE4

Date

31 JAN 1984

Mr G Lake  
22 Octavia  
Roman Hill  
BRACKNELL  
Berkshire

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR J MAY  
APPLICATION NO:- 4/0735/83

1. As you know, 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 District Council to refuse planning permission for the erection of a dwelling on land adjoining 78 Bronte Crescent, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 13 December 1983.

2. From my inspection of the site and its surroundings and from the representations made, I am of the opinion that there are 2 main issues in this case. Firstly, whether the proposed development would be detrimental to the visual character of the area and secondly, whether the limited length of proposed driveway would have an adverse effect on the safety of pedestrians and vehicular traffic on the adjacent highways.

3. Your client's house is situated on the Woodhall Farm housing estate which has been developed over the last 10 years. His property is located on the corner of Bronte Crescent on the estate's main distributor road, Shenley Road. The estate is characterised by front gardens without boundary structures. On corner sites, such as your client's, this openness is reinforced by amenity areas in front of the flank garden boundaries. Because of the curve at this end of Bronte Crescent your client's property has roads on both flanks as well as to the front. He therefore has much more amenity land under his ownership than many other corner properties.

4. On behalf of your client you submit that there is sufficient space to accommodate a dwelling similar to No. 78, on the land owned by your client while still retaining some amenity land. I accept that a house in the location proposed could be constructed without the loss of any of the amenity land on the south-western part of the site. However, some of the amenity area to the front of the site would be lost. You also argue that it is unreasonable to expect your client to provide amenity land for the appreciation of the public at large. Whilst I am sympathetic to the fact that your client controls much more of such land than other local residents, the resulting openness is clearly beneficial to the character of the estate.

5. The local planning authority argue that the incorporation of the amenity area into the garden of the proposed dwelling would have a seriously detrimental effect on the open character of the area. I accept that although part of the front amenity

area would be lost, it is possible to retain that on the south-western flank. The council also argues that the driveway to the proposed dwelling's garage would not be long enough for an average sized car to park on without obstructing the pavement. I feel that this is of particular concern since the proposed access would be almost on the corner with Shenley Road, which is the estate's main distributor road.

6. I have taken into account the views of residents in Bronte Crescent. I agree with the concern expressed by some of them that the erection of a dwelling in the location proposed would result in its south-western corner being within about 3 ft of the back edge of the highway. Development so close to the highway, particularly on a prominent corner position, would be alien to the open character of frontage land on the estate. Moreover the proposed house, as well as No. 78, would both have very restricted private garden areas out of keeping with the majority of nearby houses. The outlook from the rear of the proposed dwelling would also be visually unsatisfactory due to the close proximity of the flank wall of 76 Bronte Crescent.

7. I have considered all the other matters raised in your representations and those of the council. None of these matters, including your client's willingness to have permitted development rights removed in respect of the proposed dwelling, and the arguments relating to 3 Chalfont Close and 31 Botley Road, were of such weight to affect my decision.

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

I am Sir  
Your obedient Servant



M G ROBESON BA MRTPI ARICS  
Inspector