

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

Other  
Ref. No. ....THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Messrs Shardlow & Blachford  
C/o Ian H Leek FRICSMr Ian H Leek  
6 Monks Hollow  
Marlow Bottom  
Bucks SL7 3SY

.. Five detached dwellinghouses (Outline) .....

at "Thorn Cottage" and "Shepherds Close", Byways .....

Gravel Path, Berkhamsted .....

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 permit, in accordance with the provisions of Article 5(2) of the Town and Country Planning General Development Order, 1977, as amended, the development proposed by you in your outline application dated 17 May 1990 and received with sufficient particulars on 22 May 1990 and shown on the plan(s) accompanying such application, subject to the following conditions:-

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, layout, design, landscaping and external appearance of the building(s) and the means of access thereto which shall have been approved by the local planning authority, before any development is commenced.
- 2 (a) Application for approval in respect of all matters reserved in Condition 1 above shall be made to the local planning authority within a period of 3 years commencing on the date of this notice.  
(b) The development to which this permission relates shall be begun by not later than whichever is the later of the following dates:-
  - (i) the expiration of a period of 5 years, commencing on the date of this notice.
  - (ii) the expiration of a period of 2 years commencing on the date upon which final approval is given by the local planning authority or by the Secretary of State or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the local planning authority or by the Secretary of State.
3. All the existing trees and hedges that are shown to be retained on drawing no. 8930/1 Rev A and all those on the north western curtilage boundary of "Thorn Cottage" shall be adequately protected to the satisfaction of the local planning authority for the duration of the development and shall not be wilfully damaged or destroyed, uprooted, felled or topped during that period without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

The reasons for the local planning authority's decision to grant permission for the development subject to the above conditions are:

1. To comply with the provisions of Regulation 5(2) of the Town and Country Planning General Development Order, 1977, as amended.
2. To comply with the requirements of Section 42 of the Town and Country Planning Act, 1971.
3. To maintain and enhance visual amenity in this environmentally sensitive location.
4. In order to minimize the impact of the development upon the environmentally sensitive edge of the built-up area of Berkhamsted which adjoins open countryside.
5. In order that the local planning authority may retain control over further development within the residential curtilage of the dwellinghouse in order to minimize the impact of new proposals upon the environmentally sensitive edge of the built-up area of Berkhamsted which adjoins open countryside.
6. (a) In order that the local planning authority may retain control over further development within the residential curtilage of Plot 1:

XXXXXX

XXXXXX

XX

Signed

Designation

#### 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 Department of the Environment, Caxton House, Tothill Street, London SW1H 9LZ.) 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 (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.

(a) The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.

4. The dwellinghouse coloured yellow on drawing no. 8930/1 Rev A shall be single storey, and shall have a hipped roof with a ridge level measuring no greater than 4.5m in height from existing ground level.
5. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (Schedule 2 Part 1 Classes A, B, C, E, F, G and H and Part 2 Class A) or any amendment thereto there shall be no development under the aforesaid Classes within the residential curtilage of the dwellinghouse coloured yellow and referred to in condition 4.
6. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (Schedule 2 Part 1 Classes A, B, C, D, E, F and G and Part 2 Class A) or any amendment thereto, there shall be no development under the aforesaid Classes within the residential curtilages of the following plots as labelled on drawing no. 8930/1 Rev A without the express written permission of the local planning authority :
  - (a) Plot 1: Part 1 Classes A, D, E, F and G  
Part 2 Class A
  - (b) Plot 3 ("Thorn Cottage"): Part 1 Classes A, B, C, E, F and G  
Part 2 Class A
  - (c) Plot 4: Part 1 Classes E, F and G  
Part 2 Class A
  - (d) Plot 5: Part 1 Classes A, E, F and G  
Part 2 Class A
  - (e) Plot 6 ("Shepherds Close"): Part 1 Classes E, F and G  
Part 2 Class A.
  - (f) Plot 7
    - (i) Between south eastern flank wall and common boundary with West Mount: Part 1 Classes A, D, E, F and G
    - (ii) The whole site - Part 2 Class A
7. Notwithstanding the details shown on drawing no. 8930/1 Rev A, details submitted in accordance with Condition 1 shall include alternative means of boundary treatment.
8. Details submitted in accordance with Condition 1 shall include arrangements for refuse collection including turning areas for refuse/service vehicles and the provision of vehicle parking/turning areas for the respective plots. All these facilities shall be provided prior to the occupation of Plots 1, 2, 4, 5 and 7.

9. Plots 1, 2, 4, 5 and 7 shall not be occupied until the existing, unadopted access road has been widened and the new access road serving Plot 2 and "Thorn Cottage" has been formed in accordance with the details shown on drawing no. 8930/1 Rev A.
10. No work shall be started on the development hereby permitted until details of the materials to be used for the surfacing of the widened access road, new access road serving Plot 2 and "Thorn Cottage", the refuse/service, and the vehicle parking areas and associated driveways referred to in Conditions 8 and 9 shall have been submitted to an approved by the local planning authority, and the development hereby permitted shall be carried out in the materials so approved.
11. Notwithstanding Condition 3 and the details shown on drawing no. 8930/1 Rev A, no development shall take place until there has been submitted to and approved by the local planning authority a scheme for landscaping in accordance with Condition 1, which shall indicate the details of the numbers, species and proposed planting location of all new trees and shrubs and hedgerows and all existing trees and hedgerows on the land.
12. Details of landscaping as referred to in Condition 11 shall include trees, shrubs and hedgerow planting at the following locations:
  - (a) The north western and north eastern boundaries.
  - (b) Between the respective plot boundaries.
13. All planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year.
14. Details submitted in accordance with Condition 1 shall include the provision of 2.4m x 2.4m visibility splays each side of all the accesses serving Plots 1, 2, 3, 4, 5 and 7, as measured from the edge of the respective parts of the access roads serving the development, within which there shall be no obstruction to visibility between 600 mm and 2 m above accessway level.
15. The grass verges coloured green on drawing no. 8930/1 Rev A to each side of the widened access road shall be permanently retained in their existing condition, and at no time shall be used for the parking and turning of vehicles and notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (Schedule 2 Part 2 Classes A and B) or any amendment thereto, there shall be no development under the specified Classes without the express written permission of the local planning authority within the grass verges referred to in this Condition.

Ref. No. 4/0766/90 continued

16. Vehicles shall not be parked within the rear garden of Plot 1, the rear and side gardens of Plot 2, the rear and side gardens of Plot 3 ("Thorn Cottage") and the rear gardens of Plots 4, 5 and 6 ("Shepherds Close").

Dated this Eighth day of June 1990

Signed .....



DIRECTOR OF PLANNING

Plot 1

- (i) Minimize the impact of any new proposals upon the environmentally sensitive edge of the built-up area of Berkhamsted which adjoins open countryside and upon the visual amenity of Byways.
  - (ii) Safeguard existing trees.
- (b) Plot 3 ("Thorn Cottage"). In order that the local planning authority may retain control over further development within the retained residential curtilage of "Thorn Cottage" in order to:
- (i) Minimize the impact of any new proposals upon the environmentally sensitive edge of the built-up area of Berkhamsted which adjoins open countryside and upon the visual amenity of Byways.
  - (ii) Safeguard existing trees and the common boundary hedge with Plot 4 as shown on drawing no. 8930/1.
  - (iii) Safeguard the future privacy of Plot 4.
- (c) Plot 4. In order that the local planning authority may retain control over further development within the residential curtilage of Plot 4 in order to:
- (i) Minimize the impact of any new proposals upon the environmentally sensitive edge of the built-up area of Berkhamsted which adjoins open country side and upon the visual amenity of Byways.
  - (d) Plot 5. In order that the local planning authority may retain control over further development within the residential curtilage of Plot 5 in order to:
- (i) Minimize the impact of any new proposals upon the environmentally sensitive edge of the built-up area of Berkhamsted which adjoins open countryside and upon the visual amenity of Byways.
  - (ii) Safeguard the future privacy of Plot 4 and Plot 6.
- (e) Plot 6 "Shepherds Close". In order that the local planning authority may retain control over further development within the residential curtilage of the retained curtilage of "Shepherds Close" in order to:
- (i) Minimize the impact of any new proposals upon the environmentally sensitive edge of the built-up area of Berkhamsted which adjoins open countryside and upon the visual amenity of Byways.
- (f) Plot 7. In order that the local planning authority may retain control over development within the residential curtilage of Plot 7 in order to:
- (i) Safeguard existing boundary vegetation.
  - (ii) Safeguard existing boundary vegetation and in the interests of the visual amenity of Byways.

Reasons for Conditions (Ref. No. 4/0766/90) continued

7. In the interests of the visual amenity of Byways.
8. (a) To ensure the adequate and satisfactory provision of turning facilities for refuse and service vehicles.  
(b) To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.
9. In order that the development is served by an adequate and satisfactory access road.
10. In the interests of the visual amenity of Byways.
11. To provide adequate landscaping to the north western boundary of the site with the adjoining countryside in the interests of the visual amenity of this sensitive location.
12. For the avoidance of doubt.
13. To maintain and enhance visual amenity in this environmentally sensitive location.
14. In the interests of highways safety.
15. In the interests of safeguarding the existing appearance of Byways.
16. In the interests of safeguarding the future appearance of the site which forms the edge of the built-up area of Berkhamsted and adjoins open countryside.