

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Alath Construction Ltd.
24 Lincoln Court
Berkhamsted
Herts.

Mr. A.E. King
Dovecot Barn
Alder Park Meadows
Long Marston
Tring
Herts.

<p>Seven dwellings (Outline)</p> <p>.....</p> <p>.....</p> <p>at Land off Greystoke Close, Berkhamsted, Herts.</p> <p>.....</p>

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 25 April 1988 and received with sufficient particulars on 29 April 1988 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 layout of the proposal represents an overdevelopment which would seriously prejudice the natural environment associated with the copse which features preserved trees and makes a valuable contribution to the visual amenity of the locality.
2. The number of dwellings proposed on the site, as shown by Drawing No. GC100B is excessive on a site which is inadequate satisfactorily to accommodate the proposal which would consequently appear cramped, adversely affecting the amenity of nearby residential properties and prejudicing individual preserved trees.
3. The forward visibility splay required by the highway authority cannot be provided within the application site as submitted thereby presenting an unacceptable hazard to pedestrian and vehicular traffic on the highway.

Dated 23rd day of June 19 88

Signed.....

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

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.

It is fully acknowledged in circular 27/87 that Nature Conservation is an important material consideration and the "wildlife habitat and physical features can be sometimes protected by careful siting". In my opinion the proposal represents an overdevelopment which seriously prejudices the character of the locality as it is important to retain the integrity of the whole copse as a habitat not just individual trees. Despite this, it would appear a more modest scheme comprising of 4 or 5 units may be more suited to the site but this will require careful appraisal as the remnants of the former woodland should be preserved for conservation reasons. With regard to the implications the opening of Greystoke Close the removal of boundary vegetation is disappointing, as it provides an important soft edge to Greystoke Close. In view of the Woodlands Officer's advice that the screen is not worthy of a TPO it would appear the principle of an access from Greystoke Close would be difficult to resist. It would appear that when permission was granted for Greystoke Close no restriction was imposed upon the future extension of the cul-de-sac, although conditions were imposed relating to the retention of boundary vegetation and the erection of boundary fencing. With regard to the other highway implications I acknowledge that the development of Greystoke Close generated a number of applications and there were serious reservations due to the density of the development and the highway implications. Since 1975, there have been further developments in the locality increasing the use of Cross Oak Road. I have yet to receive advice from the Director of Technical Services upon the highway impact and shall report further at the meeting.

✓ RECOMMENDATION - That planning permission be REFUSED (on form DC4) for the following reasons:

1. The layout of the proposal represents an overdevelopment which would seriously prejudice the natural environment associated with the copse which features preserved trees and makes a valuable contribution to the visual amenity of the locality.
2. The number of dwellings proposed on the site, as shown by drawing No. GC100B is excessive on a site which is inadequate satisfactorily to accommodate the proposal which would consequently appear cramped, adversely affecting the amenity of nearby residential properties and prejudicing individual preserved trees.
3. Any reasons given by the Director of Technical Services.
- Forward visibility splay cannot be provided.

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