

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

THE DISTRICT COUNCIL OF DACORUM  
IN THE COUNTY OF HERTFORD

To Philip Stanbury Esq  
3 Chalfont Close  
Woodhall Farm  
Hemel Hempstead  
Herts

.....Change of use of amenity green to residential .....

.....garden and enclosure by hedging and 3ft high fence .....

at ...3 Chalfont Close, 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 ..... 16th 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 this land and its use as residential garden would reduce the existing area of amenity green and have an adverse effect on the open character of the area.

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**

Common Services

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1) C.B.  
2) M.B. LIVE  
OFFICER  
3) 29 FEB 1984  
4) 29/2

Mr P V Stanbury  
3 Chalfont Close  
HEMEL HEMPSTEAD  
Hertfordshire

RECEIVED

29 FEB 1984

COMMUNIST

Admin. File

Your reference

Our reference

T/APP/A1910/A/83/7669/PE4

Date

28 FEB 1984

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:- 4/0797/83

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for the change of use of amenity land adjoining 3 Chalfont Close to residential garden involving the removal of the existing high fence and enclosure of the present amenity area by a hedge and a 3 ft high wire fence. 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 Thursday, 2 February 1984.
2. From the representations made I consider the main issue in this case is whether the hedge and 3 ft high fence you propose would detract from the open character of the area.
3. From my inspection I note that the appeal site is in a locally prominent position, close to the junction of Redbourn Road and Shenley Road. The latter leads into several residential estate roads, including Chalfont Close. Due to its location near the junction and the curve in the cul-de-sac, the appeal site projects into the sightlines of traffic in Chalfont Close and is visible from Shenley Road. As the site is prominent it is important in establishing the character of the area, which is one of open frontages.
4. At present the site is open amenity land with rubbish rather conspicuously deposited near one end. The appearance is dominated by a 6 ft close boarded timber fence, the height of which is emphasised by sloping ground; the effect, in my view, is visually rather hard. The fence is to be removed in your proposal but this would not necessarily take place at the outset. You state that you wish to enclose this land for the enjoyment of your family and to facilitate maintenance. Considerable support has been given to your appeal, although some of it is concerned with the current appearance of the site, which may obscure the main issue.
5. Although your current appeal is for a low fence and hedge the eventual impact of the hedge would be similar to the relocated fence, which was refused at an earlier appeal. If the hedge were kept low it would be ineffective in securing privacy and even this would impair the spacious quality of the estate layout.
6. As your existing garden seems to be similar in size to others in the area there do not seem to be any strong grounds for enlarging it; therefore I concur with the previous Inspector who pointed out that you knew the status of the amenity land when you purchased your house.

7. Although there may be other means of solving the problem of maintenance of the amenity area by planting with low ground cover, it is my opinion that a hedge near the road on this corner site would detract from the open character of the area and substantially alter the appearance of Chalfont Close.

8. I have taken into account all the other issues that have been raised, including the other sites mentioned in the Woodhall Farm Area, but these have proved insufficient to outweigh the considerations that have led to my decision.

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

I am Sir  
Your obedient Servant

*Ann R Bridger*

ANN R BRIDGER BA(Hons) Arch Dip UD MA RIBA  
Inspector