

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr and Mrs G J Toth
112 High Street North
Dunstable
Beds
LU6 1LN

Accessway
.....
.....
at Deer Leap Swimming Pool,
.....
Little Gaddesden, Herts.
.....

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 4.5.88 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 access is substandard in respect of its width and sightlines and consequently it is likely to give rise to conditions prejudicial to highway safety.
2. The establishment of a second vehicular access, of a substandard nature, would be unwarranted and give rise to conditions prejudicial to highway safety.
3. In the absence of detailed drawings illustrating the construction of the proposed accessway, the local planning authority is not satisfied that the accessway can be constructed in the position shown without adversely affecting the health and safety of the two adjacent trees, which are of high amenity value and the loss of which would be detrimental to the character of the area which forms part of the Chilterns Area of Outstanding Natural Beauty.

Dated FOURTEENTH day of JULY 19 88

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 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.

In view of the planning background and the County Surveyor's advice it would be inconsistent to approve this scheme which would undoubtedly prejudice highway safety by reason of its substandard nature due to poor visibility and narrowness. The cumulative effect of two substandard points of access on to the highway would be exacerbated by the increased likelihood of customers using both accesses. It would be difficult to ensure that the accessway would be retained for the sole use of the owner/occupiers of the dwelling. In addition, the provision of this facility would effectively sever the physical link between the dwelling and the recreational complex which the dwelling was intended to serve when allowed on appeal.

I am also concerned about the close proximity of two well established trees to the accessway, as these specimens are of high amenity value. As noted above the accessway is substandard because of its width. A wider access would be likely to result in the loss of these trees to the detriment of the character of the area which is within the Area of Outstanding Natural Beauty.

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

1. The proposed access is substandard in respect of its width and sightlines and consequently it is likely to give rise to conditions prejudicial to highway safety.
2. The establishment of a second vehicular access, of a substandard nature, would be unwarranted and give rise to conditions prejudicial to highway safety.
3. ~~The proposed development would be likely to result in the loss of two well-established trees of high amenity value, to the detriment of the character of the area which forms part of the Chilterns Area of Outstanding Natural Beauty.~~

3. In The absence * of details drawing * etc etc