

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

To Mr. R. Rolf,
 Exton Old Hall,
 Nr. Leominster,
 HERTS.

Mr. R. J. Aitchison, F.R.I.C.S.,
 63 Marlowes,
 HEMEL HEMPSTEAD,
 Herts.

Single storey dwelling

at adj. 'Blue Gate', Piccotts End, 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 21st June, 1978, and received with sufficient particulars on 27th June, 1978, 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 site is without notation on the County Development Plan and referred to as an Area of Great Landscape Value in the 'Hertfordshire 1981' Policy Document and the submitted County Structure Plan where there is a presumption against further development unless it is essential in connection with agriculture or other special local needs - no justification has been proven to warrant a departure from this principle.
2. The proposed development would have a detrimental effect upon the general character and amenity of the area which is designated as a Conservation Area under Section 277 of the Town and Country Planning Act 1971.

Dated 3rd day of August, 19 78.

Signed

Designation

Director of Technical Services.

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, Whitehall, London, S.W.1.) 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

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CHIEF EXECUTIVE

20 JUN 1979

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 Cleared

Messrs R J Althchison

63 Marlowes

HEMEL HEMPSTEAD

Hertfordshire

HP1 1LE

TECHNICAL SERVICES DEPT.

PLANNING SECTION

20 JUN 1979

10754

DATE

FILE
No.

Your reference

NA/AS

Our reference

T/APP/5252/A/79/1480/G2

Date

13 JUN 79

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MR R ROLF

APPLICATION NO: 4/0809/78

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a single storey dwelling on land adjoining 'Blue Gate', Piccotts End, Hemel Hempstead. I have considered the written representations made by you, by the council and also those made by other interested persons. I inspected the site on 14 May 1979.

2. From my inspection of the site and its surroundings, and from the written representations made, I consider that the principal issue to determine the outcome of this appeal is the effect the proposal would have upon its surroundings, bearing in mind the relevant Structure Plan policy as proposed to be modified by the Secretary of State.

3. The site, the subject of appeal, is an area of approximately 1 acre of disused land having a frontage of some 160 yds to the western side of a road known as Piccotts End. The site was once the garden of an adjoining dwelling, and now contains many mature trees, and much thick undergrowth. To the north, the site is bounded by a high brick wall and is separated by an allotment area from the 'Boar's Head' public house, to the east where the site's highway boundary is formed by high brick walls and a wooden fence, the site looks across to a group of houses and to a market garden; to the south the site adjoins the curtilage of a bungalow 'Blue Gate'; and to the west the site adjoins grazing land. The site forms a pleasant wooded feature within the nearby road scene, and is visible as an area of woodland from both higher ground to the east of the site and from the western slopes of the River Gade valley.

4. Piccotts End is also the name of a scattered settlement lying on the eastern slopes of the River Gade valley. The largest group of buildings commences some 100 yds north of the appeal site and extends northwards. The appeal site lies between 2 smaller groups on the western side of the road, and faces across the road to a third. There is no footway adjoining the site frontage. The road bends sharply midway along the site frontage.

5. The submitted Structure Plan regards the appeal site as lying within an area of Green Belt, and an Area of Great Landscape Value. The Secretary of State has recently proposed a modification to the Structure Plan which if adopted may

well have the effect of making green belt policies inapplicable to development in, inter alia, Piccotts End. The major part of Piccotts End village was designated a Conservation Area in 1969. During my site visit, I saw no reason to doubt that the site had been properly included in both the Area of Great Landscape Value, and the Conservation Area.

6. The effect of your client's proposal would be that a bungalow would be built in the gap between the 'Boar's Head' and 'Blue Gate' on the western side of the road. The new building, although lying between 2 of the smaller groups of buildings within the village, would not form part of either group. Thus the effect of the proposal would be to introduce development into a previously undeveloped part of the village, and to create infill plots to both the north and south of the new building.

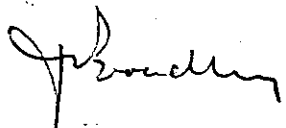
7. You envisage that vehicular access to the new building would be taken to the south of the bend in the road. In view of the lack of a footway, and the proximity of the bend, I consider it important that this access should be laid out to the dimensions indicated in the appendix to Development Control Policy Note No 6. In particular, although speed derestricted, I would regard the road as a 30mph Distributor and thus that considerations of safety require the provision of the recommended 7 ft x 300 ft sight lines in both directions at the access point. The creation of an access with these sight lines would necessitate the removal of much of the frontage wall and fence and the felling of several of the frontage trees.

8. It seems to me that this proposal would extend the built-up part of the village by forming the first stage of the linking of 2 groups of dwellings on the western side of the road. At the same time, the construction of its vehicular access would necessitate the removal of much of the existing site boundary wall and fencing together with adjoining trees, leaving a new building substantially unscreened from the road. This would create an undesirable, and in my view unacceptable intrusion into the Area of Great Landscape Value, and the Piccotts End Conservation Area.

9. I have considered the other matters raised, including that the site once formed part of a dwelling's garden; that the appeal decision at Tring led to the building of a most attractive dwelling in that Conservation Area; and that the appeal site has not undergone any silvicultural maintenance works for many years, but they do not lead me to alter my decision.

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

I am Gentlemen
Your obedient Servant



J D BROADLEY, BSc MEng CEng MIMunE MIMstruCE
Inspector