

Town Planning
Ref. No. 4/0835/79

Other
Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To J. Byefield, Esq.,
c/o Tile Kiln Cottage,
30 Tile Kiln Lane,
HEMEL HEMPSTEAD,
Herts.

..... First floor rear extension,	Brief description and location of proposed development.
.....	
at 19 St. Albans Hill,	
..... HEMEL HEMPSTEAD.	

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 the development proposed by you in your application dated and received with sufficient particulars on 21st June, 1979 and shown on the plan(s) accompanying such application, subject to the following conditions:—

- (1) The development to which this permission relates shall be begun within a period of ... 5 ... years commencing on the date of this notice.
- (2) The materials used externally shall match both in colour and texture those on the existing building of which this development shall form a part.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- (2) To ensure satisfactory appearance.

Dated.....1st.....day of.....August.....1979

Signed.....

Designation.....I. E. C. TECHNICAL SERVICES

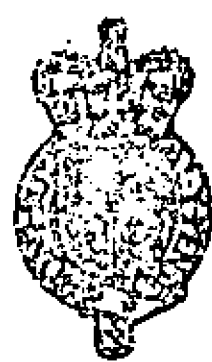
NOTE

(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 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.



Department of the Environment

Room 1320

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

CHIEF EXECUTIVE

21 JUL 1980

 Direct line 0272-218870
 Switchboard 0272-218811
 eared

 Mr K R Whitford
 1 Bramfield Place
 HEMEL HEMPSTEAD
 Herts
 HP2 7JL

Your reference

Our reference

T/APP/5252/A/80/01665/G6

Date

17 JUL 1980

Sir

001519

 TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPLICATION NO: 4/0837/79

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for moving the fence to the edge of the boundary of No 1 Bramfield Place, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by an interested person. I inspected the site on 19 June 1980.

2. The appeal site, approximately 0.05 ha in area, is situated at the junction of Bramfield Place and Elstree Road on the Woodhall Farm housing estate. I have noted that planning permission for the erection of a fence immediately to the side of your house (and which formed part of your original application) was granted on 20 November 1979 pursuant to another application. Accordingly your appeal relates only to fencing at the side of the rear garden of your property in Bramfield Place. The piece of land which you seek to enclose is wedge shaped; the fence at the bottom of your garden would be extended by about 3.3 m and the length of side fence joining it to the existing fence extending from the side of your property would be about 14.6 m.

3. From my inspection of the site and its surroundings and the representations made I am of the opinion that the main issue in this case is whether the proposed fence would be an intrusive feature in the street scene, to the detriment of the visual amenities of the locality and the open character of the area.

4. You have stated that the land proposed to be enclosed by the fence is part of your property and you are responsible for its upkeep. You cannot see any reason why the fence should not be moved to the perimeter of your property, adding value, security and privacy to it.

5. The local planning authority have stated that the Woodhall Farm Estate was planned with a certain degree of uniformity in layout and design, one of the main features being the absence of fencing in front of the building line of properties on the estate. Proposals for the fencing of grassed open areas are considered on their merits in the light of the objective of creating an attractive environment. They consider that your proposed fence, which would project in front of the building line of dwellings in Bramfield Place, would have a detrimental effect on the character of the area and would weaken the case for refusing permission in similar

circumstances in the remainder of the estate, where a consistent policy has been operated. They have cited 3 instances elsewhere in the estate where planning permission for fencing has been refused in the last year.

6. I have no doubt that the local planning authority are right in seeking to maintain the open aspect of the estate and, in particular, the grassed areas which are a feature of it. However, in my view your proposal may be distinguished from the other cases which the authority have cited, where the grassed areas concerned are substantially larger and, in 2 instances, are in particularly prominent positions visible from long stretches of Elstree Road. By contrast the difference between the proposed new position of the fence at the side of your property and the existing fence would be remarked only from the junction of Elstree Road and Bramfield Place and from part only of Bramfield Place; and in my opinion, having regard to the relatively small size of the grassed triangle and the relatively small extension of the rear fence towards Bramfield Place, the impact would not be so significant as to mar the appearance of this part of the estate to any material degree. The aspect from No 2 Bramfield Place would be affected but not, in my view, to an extent sufficient to warrant denial of planning permission; and since Nos 3, 4 and 5 Bramfield Place are stepped forward the aspect from them would be unaffected.

7. I have considered all the other matters raised in the written representations, including the possibility that granting permission in this instance would weaken the case for refusing permission elsewhere on the estate. As I have indicated, however, I consider that this case may be distinguished from others which the authority have cited and the effects of your proposal are so limited that the authority's objectives should not be impaired. In my opinion none of these other matters raised in the written representations is of such strength as to outweigh the considerations which have led to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for moving the fence to the edge of the boundary of No 1 Bramfield Place, Hemel Hempstead in accordance with the terms of the application (No 4/0837/79) dated 12 April 1979 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir

Your obedient Servant



R T SCOWEN
Inspector