

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



## DACORUM BOROUGH COUNCIL

To W. Westgate, Esq.  
'Charnwood'  
Cross Oak Road  
Berkhamsted  
Herts.

D. Clarke, Esq.  
47 Gravel Lane  
Hemel Hempstead  
Herts.

One bungalow (Outline)

at ... Rear of Charnwood, Cross Oak Road, Berkhamsted, 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 ..... 9 May 1989 ..... and received with sufficient particulars on ..... 11 May 1989 ..... 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 proposal represents an undesirable form of backland development creating a third tier. The site would be served by a long and narrow means of access passing through the curtilage of an existing dwelling. Such development would not only be liable to place an unwarranted burden on the various services, but would in addition result in dwellings being sited in poor relationship with one another.
2. The proposed access to the site will pass very close to Charnwood and the boundary with The Spinney, Cross Oak Road, Berkhamsted, and is likely to cause disturbance to these dwellings by movement of traffic.

Cont.

Dated ..... day of ..... 19

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.

Ref. 4/0847/89

3. The increased use of the access is substandard in width which is likely to give rise to conditions prejudicial to highway safety.
4. The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.
5. The proposed development would establish an undesirable precedent for similar development on the north-western side of Cross Oak Road to the detriment of the character of the area.

Dated 17 August 1989

Signed



Chief Planning Officer