

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To J.S. Page, Esq.,
'Brackendale',
Rucklers Lane,
Kings Langley,
Herts.

M.H. Seabrook, Esq.,
4 Bradbery,
Maple Cross,
Rickmansworth,
Herts.

Single and two storey extensions

at 'Brackendale', Rucklers Lane, Kings Langley, 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 30th June 1983 and received with sufficient particulars on 1st July 1983 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:-

The site is within an area without notation on the Approved County Development Plan and in an area referred to as being the extension of the Metropolitan Green Belt in the Approved County Structure Plan (1979) and the Dacorum District Plan, wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.

2. The proposed extension by reason of its mass and design is unsympathetic to the character of the existing dwelling.

Dated 19th day of September 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.



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Department of Transport

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PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ref.

Ack.

Your reference

Mr J S Page
Brackendale
Rucklers Lane
KINGS LANGLEY
Hertfordshire

| C.P.O. | D.P. | N.C. | B.C. | Admin. | File |
|--------|------|------|------|--------|------|
| | | | | | |

Our reference

Received

24 FEB 1984

T/APPY/1910/A/83/006945/PE4

Date

COWLEY ONE

25 FEB 1984

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0857/83

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 District Council of Dacorum in the County of Hertfordshire to refuse planning permission for the single and 2-storey extensions at Brackendale, Rucklers Lane, Kings Langley, Herts. I have considered the written representations made by you and by the council. I inspected the site on 10 January 1984.

2. From the representations made and following my inspection of the site I am of the opinion that in your case the decision turns on 2 matters. First whether there is justification for overriding the powers of restraint on new development which apply in the Metropolitan Green Belt and secondly whether the proposed extension would be unsympathetic by nature of its mass and design to the character of the existing building.

3. I have taken note that the County Structure Plan indicates in its policy No. 3 that Kings Langley is a specified settlement and that the appeal site lies outside the designated boundary of this settlement and is therefore within the green belt. I have further noted that recent development has occurred within the area of the appeal site but that this was undertaken prior to that green belt status being established.

4. The appeal site is located some distance from the centre of Kings Langley along Rucklers Lane towards the end of which development is located off an unclassified road. The appeal site is one of such properties set on a heavily wooded hillside. The properties in the main are detached houses on extensive sites and in a secluded disposition one from another. Your site however is set near to a new dwelling to the west. To the east where the extensions are now proposed there is no adjacent dwelling immediately nearby.

5. I have taken the view that when seen from the context of its site and when approaching the site, the house is relatively secluded as are other houses along Rucklers Lane and in its disposition and form is not out of character with other houses within the locality.

6. I have further taken the view that the proposed extension would not appear to significantly alter the nature of the development of the house within its site or directly impinge upon the character of the area in which it is set, because the development as proposed is confined to extensions which respect the existing form of the house and it is indicated that they will be undertaken in a sensitive manner.

7. Presently the appeal property is a single storey Dutch type bungalow which towards the eastern end is not in a good state of repair. It is to this area that the extension is proposed with the existing roof being removed and replaced by a newer and slightly higher roof causing a ridge line to be some 1 m higher than is now presently the case. Given however the context in which the house is set against a steeply sloping hillside and surrounded by heavily wooded landscape, I do not think that this creates a significant departure from the form and basic design of the original dwelling. The proposal also indicates that it is intended to create 3 further dormer windows within the roof space and these are disposed and set along the extension in an orderly and appropriate manner. The rear elevation of the property is not materially affected either and nor is it readily visible from any aspect of the site as it is set into the hillside. The rear bank side and this area of the site is given over to more woodland. I have also taken note that it is intended that the materials to be used in this extension are to match the existing materials which are to be found in the present house. In my opinion the proposed extension when completed will consolidate in a compact and economical way the overall basic plan form of the building by filling in the gap which exists presently within the curtilage of the ground floor area and without affecting the overall form and design of the original dwelling.

8. I am appreciative that the local authority monitors the extensions proposed in the area in which your house is set and within the context of their Local Plan they have a formula for the amount of space which they think is appropriate to be added to dwellings without creating a significant alteration to their original form and character. I have studied this graph which they have prepared and I think it is a sound basis on which a framework for a policy can be established. In this particular case the proposals fall only marginally outside the limits which the council suggest extensions should not be allowed. However in the particular circumstances of your case and taking into account the hilly site and the well wooded context in which the extension will be located and the extensiveness of the area of the site which surrounds your property I do not think that the proposed extension will produce a building which is not in scale to the site on which it is to be set. Moreover, I am not persuaded that allowing such an extension would undermine the policies of restraint on new development which apply in the Green Belt.

9. I have taken into account all other matters which have been raised but none of these are sufficient to outweigh the considerations which have led me to my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the single and 2-storey extensions at Brackendale, Rucklers Lane, Kings Langley, Herts in accordance with the form of application No. 4/0857/83 dated 30 June 1983 and the Messrs M H Seabrooke Design Services drawing dated June 1983 deposited with that application subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

11. 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



WINSTON BARNETT
Inspector