

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr Paul Frowde
Dove Cottage
High Street
Markyate
Herts

.....One dwelling (outline)

at ... land adjoining Dove Cottage,

..... High Street, Markyate

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 datedUndated..... and received with sufficient particulars on20th July 1982..... 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 erection of a dwelling as proposed would be an unsatisfactory form of development likely to affect adversely the character of a designated Conservation Area and the amenities of adjacent properties.
2. The combined access proposed is unsatisfactory and would affect adversely the amenities of the proposed dwelling.
3. In the absence of any evidence to show that the development is essential in order to provide local facilities or to meet service needs in Markyate, the proposal does not meet the requirements of District Plan policy 5.

Dated 9th day of September 19 82...

Signed.....



Designation 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, 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 and Department of Transport

Common Services

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Switchboard

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.					
C.P.O.	D.P.	D.O.	B.C.	Admin.	File
9-DJ					
0272-218 950			13 SEP 1983		
0272-2188 01					
Comments					
Your reference					
Our reference					
T/APP/5252/A/83/2801/PE3					
Date					

Mr P Frowde
Dove Cottage
High Street
Markyate
Near ST ALBANS
Hertfordshire
AL3 8PD

COUNCIL EXECUTIVE

13 SEP 1983

Our reference

T/APP/5252/A/83/2801/PE3

Date

- 9 SEP 83

Sir

2550

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0886/82

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to refuse outline planning permission for the erection of a disabled persons chalet bungalow on land at Dove Cottage, Markyate. I held a local inquiry into the appeal on 9 August 1983.

2. From my inspection of the site and its surroundings, and from the representations made, I consider that the main issues in this case are firstly, whether the proposal is contrary to approved Structure Plan and draft District Plan policies for development in rural Hertfordshire, and secondly, whether the proposal would have a detrimental effect on the character of Markyate Conservation Area and the amenities of occupiers of neighbouring properties, and if so whether there are any other special circumstances that would justify setting aside the planning objections.

3. It is the council's policy that, in rural areas beyond the Metropolitan Green Belt, there is a presumption against development other than that considered appropriate to a rural area.

4. It was the council's case that as the proposed bungalow would not make a contribution towards meeting local housing needs your proposal would be contrary to the council's policies for development in rural areas. They acknowledged that a site of some 480 sq m was of sufficient size to accommodate a dwelling of some 120 sq m, but pointed out that the presence of a war memorial at the eastern end of the site and the access to Dove Cottage along its southern boundary, together with your intention to construct the dwelling on the flattest part of this sloping site, severely restricted the area available for development. This opinion was also shared by the residents of 1-4 Park View Drive. The council also considered that the erection of a dwelling, together with the resultant loss of trees, would create an unsatisfactory background to the war memorial and have a detrimental effect on the quiet nature of the adjoining conservation area.

5. You argued that the proposal constituted infilling within the terms of Circular 42 of 1955 and pointed out that the appeal site, and the curtilage to be retained with Dove Cottage, were both of similar size to neighbouring properties. Furthermore, the proposal would complete development at this end of the High Street. You did not consider that your own dwelling would overlook the proposed bungalow unacceptably, and drew particular attention to the relationship between the dwellings in Park View Drive, and those on the western side of High Street. Furthermore, there was only one tree of significance that would require felling.

6. You stated that the bungalow would be occupied by your wife's parents, both of whom were retired and currently lived on Merseyside. You pointed out that her mother, who had suffered a severe stroke, was now disabled and that you wished to be able to offer them help and support on a day to day basis. You had not proposed to extend your own dwelling to accommodate them as the gradient of the driveway, particularly nearest to Dove Cottage, was very steep and would be difficult to negotiate with a wheelchair, especially in winter months. Furthermore, in an emergency Dove Cottage would be equally inaccessible to an ambulance. A bungalow designed specifically for a disabled person, and located at the lower end of the site, would overcome these problems and also give your parents-in-law a degree of independence. Moreover, you had looked at a number of properties within the village that were for sale, but had not found any that satisfied your requirements.

7. The appeal site is located on the western side of High Street at the northern end of the village, and is within the defined village core. As there is residential development to the north, west and south of the site, and as it is only some 13.5 m in width, I consider that the proposal constitutes the infilling of a small gap within an otherwise substantially built-up frontage. Markyate is one of the settlements referred to in the Dacorum District Plan where planning permission may be granted for small scale developments which meet the housing needs of the surrounding rural area. As your bungalow would be occupied by persons not currently resident in the area, it is clear that your proposal would not satisfy a local housing need and would be contrary to the council's policy. However, I am satisfied that your mother-in-law requires accommodation designed specifically for a disabled person and note that you have tried unsuccessfully to find appropriate accommodation locally. It is the council's policy to provide specialised accommodation for handicapped persons and the elderly in the main centres of population and, although the County Structure Plan Alterations (1980) contains a policy indicating that encouragement will be given to the provision of specialised accommodation, the council do not have any specific proposals for providing such accommodation in Markyate. In my view, although the proposed bungalow would not be immediately available to meet local housing needs it would, in the long term, contribute to the supply of specialised accommodation in the locality.

8. The appeal site, excluding the access to Dove Cottage, is some 10.5 m wide and I consider this to be of sufficient width to accommodate a bungalow which would not be out of keeping with neighbouring dwellings. Furthermore, as only one tree of significance would require felling, and as it is your intention to retain the line of silver birch trees on the southern boundary of the appeal site, I do not consider that your proposal would have a detrimental effect on the character of the adjoining conservation area or on the amenities of neighbouring properties. As these trees make a significant contribution to the environment of this part of High Street I propose to include a condition to safeguard them. The dwellings fronting the western side of this part of High Street are set back some 10 m from the edge of the highway. The low wall to the rear of the war memorial is only some 4.5 m from the highway and, in my view, a bungalow constructed behind a 10 m building line would not be unreasonably close to that structure.

9. I have considered all other matters raised in the representations, including the view expressed by residents of Park View Drive that the proposal might result in deliveries to Dove Cottage being made via Park View Drive, but I do not find them of sufficient importance to outweigh the considerations that have led to my decision.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for the erection of a disabled persons chalet bungalow on land at Dove Cottage, Markyate, in accordance with the terms of the application (No 4/0886/82) dated 8 July 1982 and the plan submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;

b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;

2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:

a. 5 years from the date of this letter; or

b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved;

3. no trees shall be felled, lopped or topped without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased or which die within 2 years of the completion of the proposal shall be replaced with trees of such size and species as may be agreed with the local planning authority.

11. Attention is drawn to the fact that an applicant for any consent or agreement required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

I am Sir
Your obedient Servant



E A SIMPSON BA(Hons) MRTPI
Inspector