

1141/74D



Department of the Environment
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2525/170

Messrs Fuller Hall & Foulsham
Architects, Surveyors, Town Planners
53 Marlowes
HEMEL HEMPSTEAD
HP1 1LL

Your reference

PRB/AJK

Our reference

T/APP/5252/A/75/4734/G8

Date

15 OCT 1975

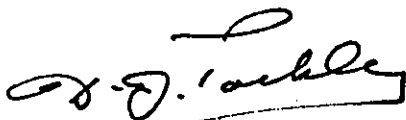
Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MISS P O MILLER
APPLICATION NO. 4/0896/74

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 one bungalow and garage at Dudswell Gardens, Northchurch, Berkhamsted. I have considered the written representations made by you and by the council. I inspected the site on Friday 12 September 1975.
2. From my inspection of the site and its surroundings and the written representations made, I am of the opinion that the determining issue is whether the erection of a new bungalow and garage on the appeal site would be detrimental to the present character of the surrounding rural area, falling within the Chilterns Area of Outstanding Natural Beauty and the proposed Green Belt.
3. The appeal site forms the western part of the existing garden of the appellant's house, the most westerly of this row of dwellings situated to the north of the Canal. Dudswell itself is set in the narrow valley of the Bulbourne, together with the main A41 road, the railway and the Canal, enclosed by hillsides to the north and south.
4. In my opinion, the valley setting of this part of Dudswell, close to the navigable Canal used by leisure craft, and surrounded by the Chiltern Hills, is most attractive and valuable. While it has been argued that the proposed site would not extend the limits of residential use, being part of the garden curtilage of an existing house, it would, however, have the effect of extending building development westwards along the Canal, and of adding further development. Bearing in mind that the surrounding countryside, from which views of the site can be obtained, is within the Chilterns Area of Outstanding Natural Beauty and the proposed Green Belt, the definition of which I consider appropriate at this stage, and that the site also falls within an Area of Great Landscape Value, I think that the proposal would be inappropriate and harmful, and cannot be justified on any exceptional or special grounds.
5. In conclusion, therefore, while appreciating and sympathising with your client's reason for wishing to erect a bungalow, I nevertheless consider that the proposal would in fact be detrimental to the present attractive character and status of the surrounding rural area. I have taken account of all the other matters raised in the representations, but do not however consider that they are sufficient to outweigh those considerations that have led me to my decision.

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

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'D. J. Tackley', enclosed within a rectangular box.

D J TACKLEY
BSc(Econ) FRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other 1141/74D
Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Miss P. Miller,
Dudswell Gardens,
Northchurch,
Berkhamsted.

Agent: N.H. Cullen, A.R.I.B.A.,
Chartered Architect,
Studio 7,
Bulbourne Close,
Northchurch,
Berkhamsted.

Erection of one bungalow and garage

at Dudswell Gardens, Northchurch, Berkhamsted.


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
..... 10th September, 1974 and received with sufficient particulars on
..... 16th September, 1974 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 within an area shown on the County Development Plan as 'No Notation' where it is the policy of the Local Planning Authority not to allow development unless it is required for agriculture or other special purposes - no justification has been submitted in this case.
2. The proposed development is in an area of Great Landscape Value and would affect adversely the visual and general amenity.

Dated Twenty-first day of November 19 74

Signed 
Director of Technical
Designation 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.