



Planning Inspectorate
Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321

Direct Line 0272-218
Switchboard 0272-218811

927

D-492-HAS-P

1/2/90
(G.B.)
2/2/90

A K Tilley Esq
12 Millard Way
HITCHIN
Herts
SG4 0QE

| PLANNING DEPARTMENT | | | | | | GTN 1374 |
|-------------------------|----------|------|------|------|-----------------|---------------------|
| DACORUM BOROUGH COUNCIL | | | | | | |
| Ref. | | | | | | Ack: Your reference |
| C.P.O. | T.C.P.M. | D.P. | D.C. | B.C. | Admin. MWP/1/90 | |
| | | | | | Our reference | |
| Received 17 AUG 1990 | | | | | Date | |
| Comments | | | | | | |

T/APP/A1910/A/90/148913/P4

16 AUG 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MICHAEL WILLIAM BRADSHAW
APPLICATION NO; 4/0921/89

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for a proposed 2-storey side extension with roof space converted into bedroom and internal alterations at 46 Scatterdells Lane, Chipperfield, Herts. I have considered the written representations made by you and by the Council and also those made by the Parish Council and interested persons. I inspected the site on 8 May 1990.

2. From my inspection of the site and its surroundings, and from all representations made to me, I consider the main issue in this case is whether there are any special circumstances to justify an exception to the strong policy designed to resist inappropriate development in Green Belt locations.

3. The appeal site lies within the Metropolitan Green Belt where there is a general presumption against inappropriate development. Development which is exempt from this general presumption is set out in paragraph 13 of Planning Policy Guidance Note 2 - Green Belts (PPG2) and in the approved Hertfordshire Structure Plan review, Policy 1. It is clear to me that your client's proposal does not fall within these categories. Even so, exceptions can be made to this policy in very special circumstances, but none has been put to me in this case.

4. District Plan Policy 6 and the Council's Written Statement recognise that extensions to dwellings in the Green Belt are not necessarily inappropriate. However to be acceptable, they should be modest and sympathetic in scale, form, height and materials to the original, so as not to be intrusive in the landscape. I consider the aims of this policy are in accord with national and structure plan policies and it is against these that I propose to assess your client's proposals.

5. Scatterdells Lane is a cul-de-sac about 1.1 km (1200 yds) long, ending in Scatterdells Wood. It is characterised for most of its length on either side by dense hedgerows incorporating mature hedgerow trees. In places, such as your client's site, the original hedgerow has been strengthened by additional planting. Your client's proposals, although respecting materials and to some extent the general style of the original bungalow, would not in my view be sympathetic in scale, height and bulk. It would be much more intrusive in the landscape, even if the existing hedge and all but one of the mature trees in the front garden were to be retained. The built frontage to Scatterdells Lane according to the plans, would

be extended some 8.8 m (29 ft) into the side garden. The hipped roof line, currently with a short ridge about 6.2 m (20 ft) above ground level, would be extended as a ridge at the same height by about 11.6 m (38 ft). The addition of dormers in the original roof and in the proposed extension would add to the intrusive effect, and substantially reduce the view of open garden which I consider important in this locality and contributing to the character of this part of the Green Belt.

6. You refer to precedent, and I have noticed some apparently modern larger dwellings in Scatterdells Lane which may be re-builds or major conversions of the original inter-war small to medium sized bungalows. I however have to consider your client's proposal on its merits rather than what have been built in the past. I did note that in the front of some of these apparently newer dwellings, the hedgerows had been removed to give lawns and drives running to the back edge of the road surface, effecting a complete change in the character of the lane. I have to take into account that your client or a future occupier of No 46 could do likewise, as none of the hedgerows or trees is protected.

7. I conclude that your client's proposal presents no special circumstances why it should be allowed as an exception to Green Belt policy, and is contrary to the aims of the District Plan Policy 6 on house extensions in the Green Belt. I consider that harm would result to the aims of Green Belt policy by allowing your client's proposal, and I shall dismiss your appeal.

8. I have taken account of all other matters raised in the written representations submitted to me, but I do not find them of such weight as to alter my conclusions.

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

I am Sir
Your obedient Servant

M J Thomson

M J THOMSON BA(Hons) DipTP
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr M Bradshaw
46 Scatterdells Lane
Chipperfield
Herts

A K Tilley
12 Millard Way
Hitchin
Herts SG4 0QE

| |
|---------------------------------------|
| Two storey side extension |
| |
| at 46 Scatterdells Lane |
| Chipperfield |

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 15. May. 1989 and received with sufficient particulars on 22. 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:—

The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use 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, because the amount of new building involved would completely change the character and visual impact of the existing property and detract from the openness of the site and its surroundings

Dated ... Seventeenth day of August 1989

Signed.....

Wm B. Smith

SEE NOTES OVERLEAF

P/D. 15

Chief Planning Officer

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.