

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

THE DISTRICT COUNCIL OF DACORUM  
IN THE COUNTY OF HERTFORD

To Mr. & Mrs. J. L. Phillips  
Corner Cottage  
Kings Lane  
Chipperfield

Demolition of existing buildings, erection  
of bungalow  
at 'Osmunda', 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 5th July 1984 and received with sufficient particulars on 9th July 1984 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 proposed development is within the Metropolitan Green Belt on the Approved County Structure Plan and the Approved 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) Policy 6 of the Approved Dacorum District Plan states that planning permission for replacement dwellings within a group of dwellings which is likely to remain will be permitted although the new dwelling should be of similar size to that which it replaces and should not be more intrusive in the landscape. By reason of its size, the proposed development conflicts with the terms of this policy and would be detrimental to the character of the locality.

Dated 16th day of August 1984

Signed

*W. B. B. B. B.*

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, 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.
- (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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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL			
Def.		Ack.	
		C.	Admin. File
Received		- 1 MAY 1985	
Your reference			
Comments			
Our reference			
T/APP/A1910/A/84/022211/P2			
Date			

A E King Esq BA (Hons) BPI MRTPI  
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BERKHAMSTED  
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3) 10 AM 1.  
4) 10 AM 1.

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Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR AND MRS J L PHILLIPS  
APPLICATION NO:- 4/0932/84

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above appeal against the decision, by the Dacorum Borough Council, to refuse planning permission for the erection of a detached bungalow and garage on the site of Osmunda, Scatterdells Lane, Chipperfield, after the demolition of existing buildings. I held a local inquiry into the appeal on 12 March 1985.

2. Having heard the evidence and submissions and inspected Scatterdells Lane, I find that the main issue in this appeal is whether, bearing in mind the location of the site in the Metropolitan Green Belt and the council's general policy against further growth in areas of restraint, the proposed bungalow ought nevertheless to be permitted in accordance with the policy for replacement dwellings within a group of dwellings likely to remain.

3. It is common ground that your client's site lies within the Green Belt, where it is the policy of the local planning authority not to permit development other than for agriculture or forestry, or certain leisure and other uses appropriate to the Green Belt. However, there are within Dacorum a number of groups of established dwellings likely to remain, but which are included in the Green Belt: Policy 6 of the Local Plan provides that planning permission for replacement dwellings in such groups will, subject to certain provisos, be granted. It is agreed that Scatterdells Lane is a group of dwellings to which this policy applies.

4. A replacement dwelling should, according to the council's policy, be of similar size to its predecessor, and no more intrusive in the landscape. In view of the relationship of Osmunda to neighbouring houses and the trees and hedges on and around the site, the council accepted that in relation to your client's proposal, intrusion into the landscape would not be a significant consideration; the nub of the matter, therefore, is whether the difference between the existing and proposed bungalows is small enough for them to be accepted as similar in size.

5. Despite minor variations in measurement and calculation, it was agreed at the inquiry that the floor area of the proposed bungalow would be about 50% greater than that of Osmunda. Although this may seem to be a substantial increase, you pointed out that the present bungalow is small, and that the larger one proposed would still be modest, having 3 bedrooms and a total floor area of some 96 sq m.

6.- The council did not dispute your suggestion that, had your client proposed to achieve the same floor area by extending the existing bungalow, there would have been no objection on policy grounds to the grant of permission (Document 8). The considerations relevant to the extension of dwellings are not necessarily the same as those to be taken into account in relation to proposals for a new building, but I accept your submission that the reasoning set out in Document 8 in support of the council's policy on the appropriate size of extensions is equally pertinent when replacement is proposed.

7. The council put the view that the cumulative effect of larger replacement dwellings would be to change the character of Scatterdells Lane for the worse. Although the Lane could indeed become more suburban in nature over time, it seems to me that such a change would mainly affect its appearance, and have no real bearing on the general policies for the restraint of development which the restriction on the size of replacement dwellings is designed to achieve. Having considered this point and the other arguments put forward at the inquiry, I find none to affect my conclusion that the appeal proposal falls within the terms of Policy 6 of the Local Plan. As the size of the proposed dwelling is of the essence of that conclusion, however, I intend to accede to the council's request that your client's right to enlarge the property be removed by condition; I also consider that the 2 conditions requested by the County Surveyor are necessary in the interests of safety.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a detached bungalow and garage on the site of Osmunda, Scatterdells Lane, Chipperfield, after the demolition of existing buildings and in accordance with the terms of the application (No. 4/0932/84) dated 5 July 1984 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;

2. notwithstanding the provisions of the Town and Country Planning General Development Order 1977 (or any order revoking and re-enacting that Order), the buildings hereby permitted shall not be added to, extended or enlarged without the prior written consent of the local planning authority;

3. the dwelling hereby permitted shall not be occupied until a cross-over has been constructed in accordance with standards set out in the current edition of Hertfordshire County Council's "Specification for the Construction of Residential Estate Roads";

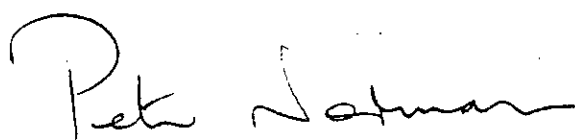
4. the dwelling hereby permitted shall not be occupied until space has been laid out within the site for vehicles to turn so that they may enter and leave the site in forward gear.

9. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of 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.

10. 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



P S NORMAN MA MRTPI  
Inspector