

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Holywell Property (Chesham) Ltd.,
Mineral Lane,
CHESHAM,
Bucks.

Mr. D. G. O. Stocker,
78 St. John's Road,
HEMEL HEMPSTEAD,
Herts.

..... Chalet Bungalow

.....
at .. adj. to "Jandola", Megg Lane, Chipperfield.
.....

Brief
description
and location
of proposed
development.

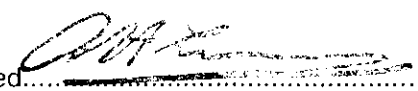
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 19.7.78. and received with sufficient particulars on 20.7.78. and shown on the plan(s) accompanying such application..

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

1. The site is within the Metropolitan Green Belt on the County Development Plan and so referred to in the County Structure Plan Written Statement where there is a presumption against further development unless it is essential in connection with agriculture or other special local needs - no justification has been proven to warrant departure from this principle.
2. The proposed development would have a seriously detrimental effect on amenities and privacy at present enjoyed by the occupants of adjacent dwellings.
3. Under the Local Planning Authority's Green Belt Policy, Chipperfield is a "Listed" Village within which only a limited amount of infilling within the core of the village would comply with the provisions of the said Policy. The proposed development would be contrary to the Policy in that Megg Lane is not one of the roads in the village within which infilling development is envisaged in the Appendix to the Written Statement of the Review of the County Development Plan.

/Reasons continued over

Dated 14th day of September, 19 78.

Signed 

Designation Director of Technical Services.

4. The erection of a dwelling as proposed would be an undesirable form of sporadic development taking no account of the layout of surrounding residential properties.
5. The increased traffic likely to be generated by the proposed development would be a potential hazard on adjacent highways, which because of inadequate width and construction are unsuitable for such additional traffic.
6. The proposed development would represent over-development of this particular site, affect adversely visual and general amenities and detract from the character of the area.

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.

D/9/2.4



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DTS

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<p>C: ... VE</p> <p>23 APR 1979</p> <p>ured</p>

Your reference

CT/DB

Our reference

T/APP/5252/A/78/11380/G7

Date

20 APR 1979

Sir

"10426"

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY HOLYWELL PROPERTY (CHESHAM) LIMITED
APPLICATION NO:- 4/0936/78

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 on an outline application for the erection of a chalet bungalow adjacent to "Jandola", Megg Lane, Chipperfield. I have considered the written representations made by you and by the council, by the Chipperfield Parish Council and by other interested persons. I inspected the site on Thursday, 29 March 1979.
2. From my inspection of the appeal site and the surrounding area I am of the opinion that the principal planning issue in this case is the likely impact on the amenity of adjoining owners due to the relationship of the appeal site to the established pattern of development. In defining this issue I have not lost sight of the fact that your clients' land is within the metropolitan green belt where there is a presumption against further development unless it is allied to a demonstrable agricultural need or there are other special reasons why a departure should be made from accepted policy. There are however a number of dwellings in the area and one on either side of your clients' land. In other circumstances this might have been a case where, as you argue, the proposal would represent infilling which would not harm the aims and objectives of the green belt, albeit that the site is not within the main core of Chipperfield village. An overriding consideration however is that there is an established dwelling "Jandola" hard against your clients' south-western boundary and, of particular importance, it is at a higher level than the appeal site. The result would be a mutual loss of amenity and privacy between the occupiers of "Jandola" and the proposed dwelling with the more material impact being to the latter. From your submitted plan the distance between the rear of the proposed dwelling and "Jandola" would be only 60 ft which is less than the recommended distance of 70 ft between backs of houses and which supports the council's argument of over-development. You say that "Jandola" is to be enlarged and thus reorientated. From a plan which you supplied however the main living room is that which overlooks the appeal site and thus reinforces the planning objection to which I have referred.
3. I have taken into account the other matters raised but they are insufficient to override the considerations leading to my decision.

4. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss your clients' appeal.

I am Sir

Your obedient Servant

K. Cleaver

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Inspector