

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

967  
Town Planning 4/9697/74  
Ref. No. ....

Other  
Ref. No. .... 1247/740

THE DISTRICT COUNCIL OF DACORUM .....

IN THE COUNTY OF HERTFORD .....

To **Rice Brothers (Builders) Ltd.,** Agents: **Skelin & Horne, Architects,**  
**The Estate Office,** **The Old School House,**  
**Hempstead Road,** **Bridge Road,**  
**Watford, Herts.** **Hunton Bridge,**  
**Kings Langley, Herts WD4 8AQ.**

**Erection of 29 detached houses and garages**

at **Greystoke, Cross Oak Road, Berkhamsted.**

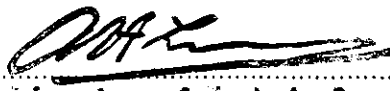
Brief  
description  
and location  
of proposed  
development.

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 **9th October 1974** and received with sufficient particulars on **11th October, 1974** and shown on the plan(s) accompanying such application.

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

**In the opinion of the Local Planning Authority the proposed development would constitute an unacceptable increase in density over that already permitted and the traffic likely to be generated would result in unsatisfactory conditions on highways in the vicinity of and serving the site.**

Dated Tenth day of June 19 75

Signed   
 Designation Director of Technical 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.



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Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 405

Messrs Wakelin and Horne  
Chartered Architects  
The Old School House  
Bridge Road  
Hunton Bridge  
KINGS LANGLEY  
Herts WD4 8RQ

Your reference

JS.H/MJA.R1/G2

Our reference

T/APP/5252/A/75/7105/G8

Date

24 MAR 1976

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY RICE BROTHERS (BUILDERS) LIMITED  
APPLICATION NO: 4/076/74

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 29 detached houses and garages on land originally forming part of Greystoke, Cross Oak Road, Berkhamsted. I have considered the written representations made by you and by the council, and also those made by other interested persons. I inspected the site on Monday, 23 February 1976.

2. I note from my inspection that this site lies within a generally very low density residential area located in an elevated position on the south-western side of the town. It is level and abuts on its north-western boundary the playing fields of a school complex. The boundaries of the site are generally marked by tree screens, of mixed deciduous and evergreen character, with laurel bushes covering much of the lower level except that a 7 ft high wall marks the boundary with Greystoke and a 9 ft wall with Grafton Gardens. Cross Oak Road has a carriageway about 15 ft wide at the access to the site; there are no footpaths and it is subject to a 30 mph speed restriction. We agreed that visibility along Cross Oak Road from a point central to the site access and 7 ft behind the nearside edge of carriageway is about 45 yds to the north-east and 100 yds to the south-west. I note also that detailed planning permission has been granted for the erection of 21 detached dwellings with garages, that the road layout has been effected and one dwelling erected.

From my inspection of the site and its surroundings and consideration of the representations made I am of the opinion that the issues relevant to the determination of this appeal are whether the increased number of dwellings would have:-

1. a significantly detrimental effect on either the general character of the area or the particular amenity of surrounding properties;
2. an adverse effect on road safety in the vicinity of the site.

4. In regard to the first issue the proposal involves the addition of 8 dwellings to the committed development of the site. Development on the site will only be visible to the general public along the access road and any increase in the number of dwellings would not be noticeable in that sense. Whilst the site adjoins a residential area of very low density its development as proposed, at 7 dwellings per acre, would be in current terms a relatively low density and the main characteristic of the development,

that of detached houses, remains unchanged from that approved. The general character of the area would not, therefore, suffer significantly and it is important that the most economic use of land be made consistent with proper planning considerations. The site is well screened by the trees and bushes on its boundaries and any defect in this regard can be remedied by additional planting.

5. The dwellings on plots 23 to 29 inclusive are cramped, however, resulting in those on plots 23 and 29 being too close, for reasonable privacy, to existing dwellings, ie 18 Gilbert Way and Grafton Gardens, and all these 7 proposed dwellings would suffer from mutual overlooking to an unacceptable degree. If this group was replanned to incorporate 5 dwellings the above objections could be overcome. Elsewhere the relationship between proposed and existing dwellings is not significantly different from that on the approved layout.

6. Some additional trees would need to be removed as a result of an increase in the density of development but I gain the impression that both parties are somewhat optimistic, even in respect of the approved layout, regarding the number of trees which could remain bearing in mind their proximity to buildings and orientation in respect of sunlight and daylight. This implies that the additional landscaping should be very carefully considered.

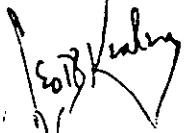
7. In regard to the second issue, despite the limitations inherent in Cross Oak Road, addition of 6 dwellings would not render the access less safe nor significantly increase danger on the highway.

8. Since the application is in outline, specifically seeking permission for 29 dwellings, I have no alternative but to dismiss the appeal.

9. I have considered all the other matters raised but am of the opinion that they are of insufficient importance to outweigh the considerations that have led to my decision.

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

I am Gentlemen  
Your obedient Servant

  
S. B. KEALEY BEng(L'Pool) FRTPI FRSH  
Inspector