

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM
 IN THE COUNTY OF HERTFORD

To Trustees of Flaunden Baptist Chapel,
 Birch Lane,
 FLAUNDEN,
 Herts.

Messrs. Claude Barker & Partners,
 153 The Parade,
 High Street,
 WATFORD,
 Herts.
 WD1. 1NH.

Garage
at Long Meadow, Birch Lane, Flaunden.

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 14th July, 1978, and received with sufficient particulars on 28th July, 1978, and shown on the plan(s) accompanying such application..

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

The proposed prefabricated design would detract from the character of the area and would be detrimental to visual amenities.

Dated 14th day of September, 1978.

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.

Report to letter 6th June 79.



Department of the Environment

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Your reference

PC/EG/Flaunden

Our reference

T/APP/5252/A/78/09561/G8

Date

28 FEB 1979

TECHNICAL SERVICES DEPT

PLANNING SECTION

16 MAY 1979

FILE
No.

DATE

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY TRUSTEES OF FLAUNDEN BAPTIST CHURCH
APPLICATION NO:- 4/0984/78

1. I refer to your clients' appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a prefabricated concrete garage, to replace an existing timber/asbestos garage, at Long Meadow, Birch Lane, Flaunden.
2. From my inspection of the site and surroundings on 19 February 1979, and from my consideration of the written representations made by you, the council and interested persons, I am of the opinion that the decision in this appeal rests on whether the type of replacement garage being proposed would be so out of keeping with its surroundings and harmful to the visual amenities of the area that it is necessary to refuse planning permission.
3. The appeal site is situated close to a road leading into the village of Flaunden, which is a short distance to the south, and it contains an old lock-up garage that is now in a very dilapidated condition. There are evergreen trees on the southern and western boundaries of the site and a single deciduous tree on the northern boundary. At the rear of the garage there is a bungalow, Long Meadow, of modern appearance with some stables nearby positioned well back from the highway, and it might well be assumed by passers-by that the existing garage was part of this property. To the south-east of the site, on the opposite side of the road, there is a large house (Birch Lane House) of attractive appearance but well screened on all sides. The Baptist Church is on its southern side. Due south of the appeal site, beyond an open frontage there is a row of council houses with some prefabricated lock-up garages at the rear of the northern-most of these houses that are visible, though not prominent, from the road. A short distance further south is the crossroads in the centre of the village, and the cottage on the north-eastern corner has a pre-cast concrete garage at the rear with access on to Birch Lane.
4. Flaunden is a designated Conservation Area, and the northern boundary includes the Baptist Church, but excludes Birch Lane House, the council houses and, of course, the appeal site and the bungalow, Long Meadow.
5. On the approach to Flaunden from the north, the variety of dwellings, erected mainly in the inter-war years, to the north and west of the crossroads at Hogspit Bottom are most noticeable, and one is not aware of the old world village charm of Flaunden until the crossroads in the centre are reached. On leaving the

village in the opposite direction the transition from old to new is just as marked, although the Baptist Church and Birch Lane House are more noticeable.

6. While I would not disagree with the council that the best replacement for the existing decrepit garage would be a brick built structure with a pitched roof, and in principle I support their attempt to maintain the highest possible standard, I am of the opinion that it is not justified to insist upon this type of garage as the site is not within the Conservation Area, and the dwellings and buildings nearest to it on the same side of Birch Lane have a modern appearance and character.

7. However, in view of the prominent position of the site near the edge of the Conservation Area, I consider it necessary to take care that the new garage looks as attractive as possible and fits into its surroundings. I consider this could best be achieved by requiring the walls of the garage to have a simulated red brick finish, and for the structure to be screened on the northern side either by an evergreen creeper or preferably by evergreen trees as shall be agreed with the local planning authority.

8. I have examined all the other matters raised in the written representations, but there is nothing of the substance to affect my decision that, in the particular circumstances, the objections to the proposed development are insufficient to justify refusing planning permission, subject to conditions to regulate the matters I have referred to in the previous paragraph.

9. 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 prefabricated concrete garage to replace an existing timber/asbestos garage at Long Meadow, Birch Lane, Flaunden in accordance with the terms of the application (No. 4/0984/78) dated 14 July 1978 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. The walls of the garage hereby permitted shall have a simulated red brick finish.

3. Before the building hereby permitted is occupied an evergreen creeper or a screen of evergreen trees shall be planted on the northern side in accordance with a scheme to be agreed with the local planning authority, or in default of agreement, as shall be determined by the Secretary of State. If a tree screen is provided, any trees removed, dying, being severely damaged or becoming seriously diseased within 2 years of planting shall be replaced by trees of a similar size and species to those originally required to be planted.

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 Gentlemen
Your obedient Servant



J H DANIEL DFC MBIM
Inspector