

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

MR



DACORUM BOROUGH COUNCIL

To Mr and Mrs Hobbs
196 Hempstead Road
Watford, Herts

CGB Partnership
108 High Street
Berkhamsted

Single Storey Extension to form Garage & Swimming Pool
at "Heatherways", Frithsden Copse, 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 26.5.88 and received with sufficient particulars on 26.5.88 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 a rural area beyond the 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. The site is also within the Chilterns Area of Outstanding Natural Beauty where the local planning authority seeks to preserve the appearance of the area. The proposed development by reason of its bulk and massing and location forward of the main elevation of the existing dwelling is unacceptable in the terms of these policies.

Dated 26th day of July 1988

Signed.....

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.



Planning Inspectorate
Department of the Environment

Room 404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218927

Switchboard 0272-218811

GTN 2074

**CHIEF EXECUTIVE
OFFICER**

6 FEB 1989

File Ref.

Refer to

Cleared

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

CGB Partnership
The Dower House
108 High Street
Berkhamsted
HP4 2BL

Ref.					Ack.		Your reference
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	
							Our reference
Received					7 FEB 1989		T/AP/A1910/A/88/101730/P6
Comments					Date		

3 FEB 89

28206

4) DN
2) CB
3) RB

Gentlemen,

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS HOBBS
APPLICATION NO:- 4/0996/88

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal against the decision of the Dacorum Borough Council to refuse planning permission for single storey side extensions at "Heatherways", Frithsden Copse, Berkhamsted.

2. The proposal before me comprises extensions in the form of two wings at the front of the house. I note that subsequent to the appeal the Council have granted permission for one of those wings and thus whilst the appeal proposal remains unchanged it is necessary for me to consider it in that context. In essence therefore the matters at issue relate to an extension to house an indoor swimming pool. The appeal site is within the Chilterns Area of Outstanding Natural Beauty and the Metropolitan Green Belt, notwithstanding the Council's reference to it being in the rural area beyond the Green Belt in their ground of refusal. From my inspection of the site on 16 January 1989 and my consideration of the written representations made by you and by the Council I consider the main issue in this case is whether there are any exceptional circumstances which would justify a departure from the normal application of Green Belt policies.

3. I do not accept your view that this proposal is not contrary to Green Belt policy; by no stretch of the imagination is it embraced by the phrase "small scale facilities for participatory sport and recreation" in the Green Belt policy since this relates to the recreational function of the Green Belt. The appeal proposal is a private facility for an existing dwelling. The Council's approach to residential extensions in the Green Belt is governed by their non statutory Guidelines which I regard as a material consideration since they are intended to restrict development which would be harmful to the character of the rural areas.

4. It is clear from the representations that the Guidelines stem from the Council's concern that modest houses in rural areas should not be substantially extended such that, for example, the additional building is tantamount to the erection of a new small dwelling in its impact on the rural character of the area. It is a corollary of this that the urbanising effect on the countryside through additions to dwellings should be resisted, whilst at the same time taking account of the reasonable aspirations of property owners. The Council accept in their statement that the Guidelines are not a strictly adopted policy and that there is room for a degree of flexibility depending

upon the circumstances surrounding the application. Thus whilst I support the principle of what the Council seek to achieve in rural areas in respect of extensions, as well as the normal application of Green Belt and landscape policies it is important to consider each case on its merits. Indeed that is precisely what the Council appear to have done in permitting one half of this current proposal. Both you and the Council have cited examples of extensions to support your opposing cases but there are clearly differences in the particular circumstances which arose and I do not find that they assist me in reaching a decision on this appeal.

5. The front of the house where the extensions are proposed is almost entirely screened from view from the road. Like many of its neighbours on both sides of the road the house is already large and set in substantial grounds. The road has the character of a low density suburban area, albeit in a sylvan setting. Bearing these considerations in mind it seems to me that the swimming pool extension would make no material change to the impact which this residential area has on the surrounding landscape or the undeveloped nature of the Green Belt within which it is situated. Whilst there might be some small increase in the perceived level of urbanisation in Frithsden Copse, it would be minimal, particularly bearing in mind the extension forward of the existing house, which has already been permitted by the Council. Moreover, I do question whether this is the sort of case to which the Council's guidelines are primarily targetted in view of the circumstances I have described. Be that as it may, I am satisfied, for the above reasons, that there are exceptional circumstances in this case sufficient to justify the granting of permission contrary to the normal application of Green Belt policy. In view of the particular circumstances I see no reason why this decision should undermine the general application of the Council's extensions policy and it should not be regarded as setting a precedent.

6. In reaching my conclusion I have taken into account all the matters raised in the representations but none outweighs the considerations which have led to my decision.

7. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for single storey side extensions at "Heatherways", Frithsden Copse, Berkhamsted in accordance with the terms of the application (No.4/0996/88) dated 19 May 1988 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this letter.

2. The materials used externally shall match both in colour and texture those on the existing building of which this development forms part.

8. 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


A D KIRBY RD MA MSc FRPI
Inspector