

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. & Mrs. Simon
38 Belham Road
Kings Langley

Faulkners
49 High Street
Kings Langley

..... Detached bungalow and garage

.....

at ... Land adjoining "Frairswood" (Rear of "East

..... Petersfield"), Chipperfield Road, Kings Langley

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 ... 27th. July. 1983 and received with sufficient particulars on ... 28th. July. 1983 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 Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) and in the deposited Dacorum District Plan (1981) 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) The proposed development would result in an unacceptable increase in traffic on an already unsatisfactory driveway and access roadway where there is inadequate visibility to ensure safe vehicular movements at its junction with Chipperfield Road - the proposals submitted do not provide adequate visibility.

Dated 22nd day of September 1983

Signed.....

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.



Department of the Environment and Department of Transport

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.				Ack.	
C.P.O.	D.P.	J.C.	J.C.	Admin.	ET
0272-218913 0272-218811				30 MAR 1984	
Comments					
Your reference GJS/RMD/3.9722					
Our reference T/APP/A1910/A/83/007446/PE1					
Date 28 MAR 84					

Messrs Faulkners
Surveyors, Auctioneers and
Estate Agents
49 High Street
KINGS LANGLEY
Herts
WD4 9HU

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS L SIMON
APPLICATION NO:- 4/1009/83

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for the erection of a detached bungalow and garage on land adjoining Friarswood, Chipperfield Road, Kings Langley. I held a local inquiry into the appeal on 6 March 1984.

2. From my inspection of the site and its surroundings, and the representations made, I consider that the main issues in this case are firstly, whether the proposal would be contrary to approved policies for the control of new residential development in the Metropolitan Green Belt, and secondly, the suitability of Friarswood Drive to serve this additional development.

3. The appeal site falls within the Metropolitan Green Belt and is some 200 m to the west of the western boundary of the existing built up area of Kings Langley as defined in the approved Dacorum District Plan Proposals Map Inset No 4 - Kings Langley.

4. On behalf of the council it was accepted that your clients' proposal would not have a detrimental effect on the amenities of residents of neighbouring properties.

5. You referred to Appeal Decision Letter T/APP/5252/A/75/6621/G8 and argued that a sound precedent for infilling in this locality had been established. You considered that the proposed Kings Langley Bypass will form a logical boundary to further development along the south side of Chipperfield Road, and that the development of the appeal site would not have a detrimental effect on the Green Belt.

6. Your clients had negotiated improved sight lines with the owners of Friarswood Lodge. Under this agreement, the boundary hedge fronting Chipperfield Road would be removed and replaced by a brick wall set back from the edge of the highway. A considerable amount of traffic used Friarswood Drive, and while you acknowledge that the limited visibility in an easterly direction would not be improved, you argued that the improved visibility to the west represented a significant contribution to increased safety at this junction.

7. You referred to several recently constructed properties in Chipperfield Road and drew particular attention to 7A, to the east of Friarswood Drive, which, in your opinion, had a more restricted access.

8. It was the council's case that the proposal, which was not justified by any special need associated with agriculture or other use appropriate to a rural area, was contrary to approved Structure and Local Plan policies for the control of new residential development in the Metropolitan Green Belt. Furthermore, the Urban Edge Study recently prepared by the council suggested that the area between the proposed Bypass and the main built up area of Kings Langley would be an area of the green belt subject to significant pressure for residential development.

9. The council submitted evidence concerning the speed of traffic in Chipperfield Road. In the vicinity of the appeal site the 85 percentile speed was some 39 mph and that, in such circumstances, the County Highway Authority, in line with national standards, recommended a minimum visibility sight line, from a point some 2.4 m from the edge of the carriageway, of 95 m. While it was accepted that the proposal to improve visibility in a westerly direction would satisfy this requirement visibility in an easterly direction would continue to be severely restricted for nearside on-coming vehicles.

10. From measurements taken at the appeal site it was agreed that visibility in an easterly direction, from a point in Friarswood Drive 2.4 m behind the edge of the carriageway of Chipperfield Road, was some 50 m to the nearside curb and some 55 m to a point close to the centre line of the carriageway.

11. I accept that in the decision letter of 31 December 1975 the inspector, when considering the proposed development of the site immediately to the west of your clients' site, expressed the view that its development would not be harmful to the aims of green belt policy as expressed at that time. However, since 1975, the Hertfordshire County Structure Plan has been approved by the Secretary of State, while the Dacorum District Plan has been formally adopted by the council. Both of these documents contain policies, together with criteria to be applied when considering applications for development in the green belt, which are somewhat more restrictive than those which applied when the proposal for the adjoining site was considered and, in my opinion, this constitutes a material change in the planning framework of the locality. There is a strong presumption against development in the Metropolitan Green Belt and permissions for new dwellings will only be granted in exceptional circumstances, such as in connection with the needs of agriculture, or other uses considered appropriate to a rural area. You did not attempt to justify your clients' proposal on the basis of such a need and, in my view, your clients' proposal would be contrary to policies for the control of new residential development in the green belt. Furthermore, although there is frontage development to the north of the site, and an institutional use to the south, the land to the south of Chipperfield Road is, for the most part, undeveloped and, in my opinion, the proposed development does not constitute infilling, which is generally accepted as being the filling of a small gap in an otherwise substantially built up frontage.

12. From the evidence presented I am satisfied that the desirable minimum visibility splay at the junction of Friarswood Drive with Chipperfield Road should be of the order of 95 m, and while I accept that the proposed realignment of the front boundary hedge to Friarswood Lodge would enable this to be achieved in a westerly direction, no improvement could be achieved to the east. Visibility in this direction at the kerbside is only some 50 m and, in view of the fact that Friarswood Drive is also the main access to a kindergarten which generates considerable vehicle movements at certain times of the day, I consider that emerging vehicles constitute a significant hazard for motorists travelling in a westerly direction along Chipperfield Road. Although not particularly numerous, your clients' proposal would result in further turning movements at this substandard junction, and I do not consider that the improvement in visibility in a westerly direction is sufficient to outweigh the disadvantages of additional traffic emerging from this access.

13. I do not accept that the access to 7A Chipperfield Road constitutes an equivalent hazard when compared with Friarswood Drive. Due to the alignment of the pavement at that point, the access is set some 3.5 m from the edge of the carriageway. Furthermore it only serves a single private residence.

14. I have considered all other matters raised in the representations, including the infilling development at 9A and 32 Chipperfield Road, but do not find them of sufficient importance to outweigh the considerations that led to my decision.

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

I am Gentlemen
Your obedient Servant

E. A. Simpson

E A SIMPSON BA(Hons) MRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

Mr G J Scott FRICS

- Messrs Faulkners, 49 High Street,
Kings Langley.

FOR THE PLANNING AUTHORITY

Mr J Vaughan

- Assistant Solicitor.

He called:

Mr J E Knapp DipTP MRTPI

- Principal Assistant Planning Officer.

Mr J Shaw CEng MIMunE

- Assistant Chief Engineer.

DOCUMENTS

Document 1 - List of persons present at the inquiry.

Document 2 - Letter of notification of inquiry dated 1 February 1984 and list of addressees.

Document 3 - Letter dated 9 February 1984 from the occupier of 3 Chipperfield Road.

Document 4 - Copy of Appeal Decision Letter T/APP/5252/A/75/6621/G8 dated 31 December 1975.

Document 5 - Extracts from:-

- a. Approved Hertfordshire County Structure Plan 1979.
- b. Submitted Alterations to County Structure Plan 1980.
- c. Deposited Dacorum District Plan 1981.
- d. Proposed Modifications to Dacorum District Plan 1981.
- e. Urban Edge Study.

Document 6 - Extract from "Residential Roads in Hertfordshire" 2nd edition 1982.

Document 7 - Traffic speed survey Chipperfield Road, 20 December 1979.

Document 8 - Table of Planning Applications and Decisions - Appeal site and immediate environs.

PLANS

Plan A - Application plans (i-iv).

Plan B - Plan GJS 1 Location of infill development 1/2500 scale.

PLANS (CONT'D)

Plan C - Plan GJS 3 Visibility splays 1/500 scale.

Plan D - Plan GJS 4 Realignment of front boundary to Friarswood Lodge 1/125 scale.

Plan E - Dacorum District Plan Proposals Map - Kings Langley Inset 1/5000 scale.

Plan F - Planning history of site and environs 1/2500 scale.

Plan G - Location Plan 1/2500 scale.