



Department of the Environment and Department of Transport

Common Services

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GTN 2074

CHIEF EXECUTIVE
OFFICER

20 APR 1988

File No.

Refer to

Cleared

24730

Messrs Ketley Gould Associates
47 Marylebone Lane
London
W1M 5FN

Your reference PLANNING DEPARTMENT 1754/CR/ENVW DACORUM DISTRICT COUNCIL Our reference					
Ref. T/APP/A.1210/A/87/80568/P4					
C.P.O.	D.P.	D.C.	Date	B.C.	Admin.
Received 20 APR 1988					
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR R EVANS
APPLICATION NO: 4/1054/87

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 outline planning permission for the erection of a detached house on land adjoining "The Briars", Shootersway Lane, Berkhamsted. I have considered the written representations made by you and by the council (and also those made by interested persons). I inspected the site on Monday 14th March 1988.

2. From my inspection of the site and surroundings and the representations made, I am of the opinion that the decision in this case is primarily dependent upon whether the proposal would seriously prejudice the character and appearance of this part of Shootersway Lane, in itself and in the example it would set.

3. Shootersway Lane is a private road with a metalled carriageway between verges of varying width. It serves substantial houses and bungalows of varied design. They and their garages are set at varying distances from the road. Several small culs-de-sac branch off Shootersway Lane to serve dwellings on backland. The planning authority advise that applications have been submitted in respect of proposals for the redevelopment of Lane End, the property adjoining the appeal site to the north, and I now understand that permission has been granted for a development of houses to be served by another cul-de-sac.

4. The authority state that although the principle of sub-division of existing sites is acknowledged, each scheme for new development is considered taking into account the form of development existing in the locality. They observe that plot frontages in the immediate vicinity of the appeal site are wider than the appeal site, which would have a width of about 15m beside the existing house "Briars", and they claim that acceptance of your proposal would undermine their policy for maintaining the spacious character of this part of Shootersway Lane.

5. On behalf of the appellant you have drawn attention to the effects on the area of 2 new houses constructed on the site of 'St. Winifreds' adjoining the appeal site to the south, the obtrusive siting of garages in forward positions, the removal of hedges and the close spacing of houses in the cul-de-sac south and east of the 'St. Winifreds' site. Your proposal would not entail the provision of a new access to Shootersway Lane, the existing hedges and trees would remain, and ample provision for parking and turning vehicles could be made.

6. I appreciate the planning authority's desire to maintain the quality of the local residential environment, but it appears, in view of the grant of permission for new development at 'Lane End' to the north and 'St. Winifreds' to the south, and the absence of genuinely comparable sites, that with the retention of the existing boundary vegetation, a house could be built on the appeal land, in line with or partly forward of 'The Briars', without material adverse impact upon the appearance and character of the area. I therefore conclude that the refusal of planning permission is not justified and that this appeal should succeed on the basis of the conditions suggested by the planning authority. I have considered the other points raised in the representations but I find them of insufficient weight to affect my decision.

7. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a detached house on land at "The Briars", Shootersway Lane, Berkhamsted in accordance with the terms of the application (No. 4/1054/87) dated 3rd July 1987 and the plans submitted therewith, subject to the following condition.

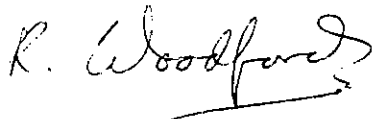
1. a. approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority.

b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter.
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this letter or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.
3. the existing boundary hedges shall be protected during the period in which the house is constructed, and any part of the hedges damaged in that period shall be replaced in the planting season following completion of the works.

8. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission (and for approval of the reserved matters referred to in this permission) has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

9. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'R. Woodford', with a long horizontal flourish extending to the right.

R WOODFORD
Inspector

TOWN PLANNING REGISTER SHEET

SAC

ADDRESS LOCATION OF SITE Land Adj 'The Briars' Shootersway Lane Berkhamsted		TOWN PLANNING REF NO 4/1054/87	
		LOCAL AUTH BLD REGN OR OTHER REF NO	
		DATE OF COMMENCEMENT OF STATUTORY PERIOD 13.7.87	
LOCAL AUTHORITY NAME Dacorum Borough Council		DATE OF EXPIRY OF STATUTORY PERIOD 6.9.87	
PARISH NAME Berkhamsted		DATE OF DECISION 14.9.87	
DESCRIPTION OF PROPOSED DEVELOPMENT One dwelling (outline)		DECISION REFUSAL	
		DIRECTIONS Dist of Env't County Plan Auth County High Auth	
		DATE OF APPEAL DECISION 18/4/88	
		APPEAL DECISION ALLOWED	
NAME AND ADDRESS OF APPLICANT Mr. R.E. Evans 'The Briars' Shootersway Lane Berkhamsted		OS SHEET NO 6268	NAT GRID REF SP9775007590
NAME AND ADDRESS OF AGENT Ketley Gold Associates 47 Marylebone Lane London W1M 5FN		ROAD CLASS	
PREVIOUS APPLICATIONS ON SAME SITE			

Appeal
Withdrawn
Allowed
18/4/88

Town Planning 4/1055/87

Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To The Champneys Group Ltd D Y Davies Projects Ltd
 Farfield House 1 Church Terrace
 Chehsam Road Richmond
 Wigginton Surrey

Refurbishment, conversion, rebuilding and extension...
 of stable block to form offices and one dwelling.....
 at Champneys Health Resort, Chesham Road, Wigginton.....

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 permit the development proposed by you in your application dated 10 July 1987 and received with sufficient particulars on 13 July 1987 and shown on the plan(s) accompanying such application, subject to the following conditions:—

- (1) The development to which this permission relates shall be begun within a period of 5 years commencing on the date of this notice.
- (2) The materials used externally shall match both in colour and texture those on the existing building of which this development shall form a part.
- (3) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, and details of numbers, species and proposed planting location of all new trees, shrubs and hedgerows.

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971., and to enable the present use of Farfield to be discontinued at the earliest opportunity.
- (2) To ensure satisfactory appearance.
- (3) To maintain and enhance visual amenity.
- (4) To maintain and enhance visual amenity.
- (5) To ensure the adequate provision of car parking facilities.
- (6) To safeguard and maintain the strategic policies of the local planning authorities as expressed in the county Structure Plan and Dacorum District Plan.

Dated..... 20 day of August 19..... 87

Signed.....
Designation 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, Marsham Street, 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 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.

CONDITIONS (Cont'd)

- (4) All planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year.
- (5) The building shall not be occupied for office purposes until fifteen car parking spaces shall have been laid out to serve the development and these spaces shall not thereafter be used for any purpose other than the parking of vehicles.
- (6) The office floorspace hereby permitted shall not be used otherwise than for purposes incidental or ancillary to the primary use of the site as a health resort.

Dated 20 day of August 1987

Signed



Designation CHIEF PLANNING OFFICER