

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mr. A. Sweeting, Agents: David Picton & Co.
Hookwood, 11 Hatfield Road,
Langley Road, St. Albans,
Chipperfield, Herts.

One dwelling

at rear of 'Hookwood' Langley Road, Chipperfield, Herts.

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, in accordance with the provisions of Article 5(2) of the Town and Country Planning General Development Order, 1973 as amended, the development proposed by you in your outline application dated 5th October 1977 and received with sufficient particulars on 7th October 1977 and shown on the plan(s) accompanying such application, subject to the following conditions:-

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, layout, design, landscaping and external appearance of the building(s) and the means of access thereto which shall have been approved by the local planning authority, before any development is commenced.
- 2 (a) Application for approval in respect of all matters reserved in Condition 1 above shall be made to the local planning authority within a period of . 3 . years commencing on the date of this notice.
(b) The development to which this permission relates shall be begun by not later than whichever is the later of the following dates:-
(i) the expiration of a period of . 5 . years, commencing on the date of this notice.
(ii) the expiration of a period of . 2 . years commencing on the date upon which final approval is given by the local planning authority or by the Secretary of State or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the local planning authority or by the Secretary of State.
3. The development hereby permitted shall not exceed one storey in height.

The reasons for the local planning authority's decision to grant permission for the development subject to the above conditions are:-

1. To comply with the provisions of Regulation 5(2) of the Town and Country Planning General Development Order, 1973, as amended.
2. To comply with the requirements of Section 42 of the Town and Country Planning Act, 1971.

3. To protect the interests of the occupants of surrounding property.

Dated

day of

November

19 77

Signed

Designation

Director of Technical

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 Department of the Environment, Caxton House, Tothill Street, London SW1H 9LZ.) 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 (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(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 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.

(a) The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.



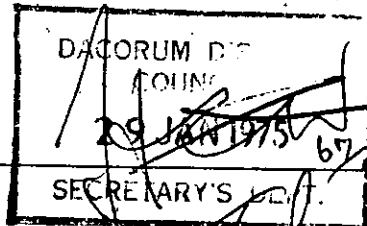
Department of the Environment

Room 646 Caxton House Tothill Street London SW1H 9LZ

Telephone 01-930 4300 ext 573

2828/69

Mr A J Harry MA(Cantab)
5 Stephyns Chambers
Bank Court
Marlowes
HEMEL HEMPSTEAD
Herts
HP1 1DB



Your reference

AJH/NSW/Sweeting

Our reference

T/APP/2142/A/74/1127/G5

Date

28 JAN 1975

D/C Clee

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS A C SWEETING

1. I refer to this appeal, which I have been appointed to determine, against the decision of the former Hemel Hempstead Rural District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for the erection of a dwelling at the rear of "Rookwood", Langley Road, Chipperfield. I have considered the written representations made by you and by the Dacorum District Council and also those made by other interested persons. I inspected the site on 4 December 1974.
2. The former Rural District Council refused planning permission on the ground that the site is within the Metropolitan Green Belt. But in point of fact it is located inside an area which is almost completely built up and having seen it I agree that its development could be considered as infilling. Such infilling is regarded as acceptable even in approved green belts, and I cannot therefore accept the former Rural District Council's grounds for refusing planning permission as reasonable. The more important question, to my mind, is whether development of the site would be consistent with the general character of neighbouring development. I note that this is the aspect of the case to which the Dacorum District Council, and most of the local residents who have submitted observations, have addressed themselves.
3. The appeal site is part of an area of loose pre-1939 housing development on the east side of Chipperfield village. Development appears to have been based on an existing pattern of country lanes and farm tracks, of which Megg Lane is evidently an example. As a result there is a great diversity in garden sizes and shapes, as of dwellings themselves. The garden of "Rookwood", of which the appeal site forms part, is larger and more rectangular than most of its neighbours. The area is well provided with trees and gardens clearly enjoy a high degree of privacy.
4. In my opinion the only resident who could have grounds for being concerned about the development of the appeal site is the occupier of No. 1 Megg Lane; and I inspected the site carefully with its possible effect on that house in mind. The southern aspect from that house is already much shadowed by trees, and provided that development of the appeal site is limited to one storey I do not think that the outlook from No.1 Megg Lane would be seriously affected.
5. The access to the proposed development would be onto Megg Lane. This lane is narrow and not made up, and traffic cannot proceed along it at any speed; therefore I do not regard the provision of a new access from the appeal site as a source of danger. Access from Megg Lane to Langley Road, and visibility at the access point, is very good. Development of the appeal site cannot therefore be ruled out on traffic grounds, although the access to Megg Lane falls some way short of the ideal.

6. Bearing in mind the continuing high demand for housing accommodation in South East England, I regard the use of the appeal site for new housing as a proper, and indeed a desirable, use, and the objections raised as inadequate grounds for frustrating the development of the site in the manner suggested. I have considered all the other arguments raised in the representations, but find none of them strong enough to outweigh those which have led me to this opinion.

7. 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 dwellinghouse at the rear of "Rookwood", Langley Road, Chipperfield, Hertfordshire in accordance with the terms of the application (No. 8337) dated 30 May 1973 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall not exceed one storey in height;
2. a. approval of the details of the siting, design and external appearance of the building, 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 the expiration of 3 years from the date of this letter;
3. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. the expiration of 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.

8. Attention is drawn to the fact that an applicant 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, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant

J. Rogerson

J ROGERSON BA
Inspector