

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To D. Bridgewater
32A Cedar Road
Watford

T. Firth
Surveying and Architectural Services
99 Sandridge Road
St. Albans, Herts.

Demolition of dwelling and erection of two
detached dwellings, garages, access etc. (Outline)
at 40 and rear of 36 and 38 Tower Hill, Chipperfield

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 11th August 1983 and received with sufficient particulars on 15th August 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 an area of the Metropolitan Green Belt on the County Development plan and in an area referred to in the County Structure Plan (1979) and 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 of small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in terms of this policy.
2. The required sight lines of 2.4m x 70m in each direction at the junction of the access with Tower Hill do not appear to be available to the applicant and this would be likely to give rise to conditions prejudicial to highway safety and convenience. These conditions would moreover be exacerbated by the absence of adequate turning facilities to enable a vehicle to enter and leave the site in forward gear.

Dated 13th day of October 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



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 Refer to 40 17/9
 Cleared

 PLANNING DEPARTMENT GTN 2074
 DACORUM DISTRICT COUNCIL

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Ack.				Your reference	
P.O.	D.P.	C.	C.	Admin.	Our reference
Received				Date	
17 SEP 1984					

 T/APP/A1910/A/84/14777/P4
 T/APP/A1910/A/84/16394/P4

13 SEP 1984

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEALS BY MR D BRIDGEWATER
 APPLICATION NOS:- A. 4/1091/83 AND B. 4/0222/84

1. As you are aware I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeals. These appeals are against the decisions of the Dacorum District Council to refuse outline planning permission for the demolition of building and A. the erection of 2 detached dwellings, garages and access and B. the erection of a dwelling, detached double garage and access drive, at No. 40 and land at the rear of Nos 36 and 38 Tower Hill, Chipperfield, Hertfordshire. I have considered the written representations made by you, by the council, by the Chipperfield Parish Council and by interested persons. I visited the site on Tuesday 14 August 1984.

2. From my visit and from the representations made I consider the main issues to be decided are:

1. whether the proposed development would be harmful to the council's policies of presumption against new development in a Metropolitan Green Belt area and if so, whether there are compelling reasons for allowing a departure in this instance or,

2. whether the development proposed would result in a material increase in highway hazard.

3. The appeal site, within a small group of residential development known as Tower Hill, is located on the south-west side of the non-principle Class 1 County Classified Road which links Chipperfield and Bovington. The site, indicated as being some 0.13 ha in area, is mainly situated behind the rear gardens to Nos 36, 38 and 40 Tower Hill, with a strip of land extending to the main road and having a dwelling No. 40, at the north-eastern end. The land is generally overgrown with a nursery area to the south-west and the rear gardens to dwellings on Tower Hill and Stoney Lane being the other adjacent land.

4. You agree that the appeal site, redundant and overgrown, is within an area of Metropolitan Green Belt but in your opinion, the proposed development would not materially affect the rural character of the area or the visual amenities of the street scene. With careful design and landscaping you feel, these developments would enhance the outlook of adjoining residential occupiers. It is argued that the site is in an area of residential usage and well suited to small scale development without encroaching within agricultural areas and open countryside. In your opinion, taking account of the adjacent frontages, the entrance proposed provides

ample visibility to the limited number of vehicles using the driveway to gain entry onto a road where a 30 mph speed limit exists. Furthermore you point out that adequate turning space can be provided within the appeal site, enabling vehicles to enter the highway in a forward gear. In considering your client's alternative development proposal for the erection of one detached property only on the site, you outline the disadvantages of rebuilding the dwelling which already exists at the front of the land.

5. The council state that the site is situated in the Metropolitan Green Belt where policies of the Dacorum District Plan directs a presumption towards the restriction of further development. It is pointed out that the site is not within the 'main core' of any village identified in Policy 3 of the District Plan, as a village where small scale new development may be permitted. In this case the council considers that no special circumstances have been demonstrated which would justify departing from adopted green belt policies. The development proposed it is argued, would add to the group of isolated dwellings within primarily open countryside. The council also contend that a replacement dwelling in the position proposed, would be larger than that to be replaced and more intrusive within the landscape. Furthermore it is considered that the access onto the busy highway would be hazardous.

6. I am satisfied that the appeal site lies within the Metropolitan Green Belt, outside the 'main core' of any established settlement identified in Policy 5 of the Dacorum District Plan as one where small scale residential development may be permitted. I see no reason therefore, why your client's proposals should not be judged within the well defined and long established green belt development control planning policies of severe restraint on new development. The Government continues to attach great importance to the function of the green belt, which are designed to prevent the unchecked spread of towns and villages and to resist further intrusion into the countryside by unnecessary new residential building. There would therefore have to be exceptional reasons to justify allowing the erection of dwellings on the appeal site as proposed by the appellant.

7. The appeal site, although not conspicuous from the road, is part of the over-all garden area to the rear of properties on Tower Hill and Stoney Lane. These proposals, to erect either one or two dwellings, would extend the existing group of buildings into what is now a quiet and in my view, pleasant area. Such developments at the rear of existing dwellings, notwithstanding design and landscaping, would in my opinion, be visually intrusive to occupiers of present dwellings, a potential cause of privacy loss and if permitted without very good reasons I am sure, would give rise to pressures for the further development of this backland area.

8. I conclude therefore that there are serious planning objections to both of your client's applications, being contrary to adopted green belt development control planning policies and detrimental to the character of the area. I have considered your comments concerning the need to maximise the use of building land but I do not regard this as sufficient to justify overriding the planning objections to these proposals. Nor do I feel that the visual improvement of the overgrown state of the appeal site, necessarily depend on the successful outcome of either of these appeals.

9. I accept that the visibility distance available to drivers leaving the proposed access roadway may be limited. However, in my judgement, the degree of sight line deficiency would not be so serious that, by itself, this would be sufficient justification for refusing the applications.

10. Although understanding your client's wish to develop the appeal site and No. 40 Tower Hill, as indicated within his 2 applications defined above, I am however satisfied that there is no compelling reason or need for abandoning current planning objectives and these 2 appeals should fail.

11. I have taken account of all the other matters raised, including your views on the benefits of building a replacement for No. 40 at the rear but they are not of sufficient weight to alter my decision.

12. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss these appeals.

I am Sir

Your obedient Servant



G S WEBB CEng MICE
Inspector