

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To A. Gowland Esq.,
43 Manorville Road,
Hemel Hempstead,
Herts.

D. Clarke, Esq.,
47 Gravel Lane,
Hemel Hempstead,
Herts.

..... Detached Dwelling (OUTLINE)

.....

at ...adj. 43 Manorville Road, Hemel Hempstead.

.....


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 10th September 1982..... and received with sufficient particulars on 13th September 1982..... 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 proposed dwelling would be out of character with the surrounding development in the area, having a considerably smaller curtilage.
2. The proposed development is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities.
3. The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by the occupants of the adjacent dwelling.

Dated 8th day of November 19 82

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

Common Services

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47 Gravel Lane
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HP1 1SA

Your reference

Our reference

T/APP/5252/A/82/013369/G5

Date

- 6 APR 1983

Sir

TOWN AND COUNTRY-PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR A COWLAND
APPLICATION NO:- 4/1099/82

6.13

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a detached dwelling on land adjoining No. 43 Manorville Road, Hemel Hempstead, Herts. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 1 March 1983.

2. From my inspection of the site and surroundings and from the representations made, I consider that the main issues in this case are (i) whether the proposed dwelling would be out of character with surrounding development; (ii) whether the proposal is excessive on a site which is inadequate to accommodate the proposed house together with the necessary amenities and vehicle parking facilities; and (iii) whether the proposal would have a seriously detrimental effect on the amenities and privacy now enjoyed by the adjacent dwelling.

3. The council argue that the appeal site has a relatively small curtilage which is out of character with the other dwellings in the immediate vicinity; that the existing No. 43 and your client's proposed dwelling were not included in the original layout for this vicinity approved in 1971; that the proposal would reduce significantly the plot size of No. 43 as approved in 1977; that the appeal site would fail to accommodate the necessary amenities associated with a dwelling; that the proposed driveway to the garage has a length of 4 m which is barely adequate to allow a vehicle to stand in front of the garage off the highway; that the proposal would result in 2 dwellings being sited in a small area originally allocated as an open amenity area; and that the proposal would produce an overcrowded appearance in this part of the road.

4. I note that the frontage which would be left to No. 43 would be about 40 ft and the frontage to the appeal site facing the carriageway to Manorville Road would be about 45 ft. These frontages are comparable with those of the existing houses in this part of the street. Thus although the appeal site has a smaller area than the other residential plots in the street, the appearance of the proposed house and No. 43 would not be out of character with the area. Moreover, Circular 22/80 advocates higher densities and smaller plots and your client's proposal would be in keeping with this government policy. I do not think that the original layout for this part of the road approved in 1971 is a material planning factor, and the loss of the originally intended small open space of which the appeal site forms a part was

compromised when permission was granted for the erection of No. 43 in 1977 on this open space. I do not accept the council's argument that the site would fail to accommodate the necessary amenities associated with a dwelling, since the size of the appeal site is large enough to accommodate a small house. The visual effect would not, in my opinion, produce an overcrowded effect detrimental to the character of the street, and the length of the drive approach to the proposed garage is not a material planning factor.

5. I have considered all the other matters raised in the representations, including those from local residents, but they are insufficient to outweigh the planning considerations leading to my decision.

6. 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 adjoining No. 43 Manorville Road, Hemel Hempstead, Herts, in accordance with the terms of the application (No. 4/1099/82) dated 10 September 1982 and the plans submitted therewith, subject to the following conditions:

1. 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 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.

7. 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.

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 Sir
Your obedient Servant

S. R. H. King

S R H KING DipTP(London) ARIBA MRTP
Inspector