

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. J. Andrews,
Poppin,
Water End Road,
Potten End,
BERKHAMSTED.

Mr. P. J. Fountaine,
27 Castle Street,
BERKHAMSTED,
Herts.

... One Dwelling

at "Dellcott", Water End Road, Potten End, Berkhamsted.

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 September, 1977, and received with sufficient particulars on 18th October, 1977, 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 without notation on the County Development Plan where there is a presumption against further development unless it is essential in connection with agricultural or other special purposes - no justification has been proven in this case to warrant a departure from this principle.
- (2) The erection of the dwelling as proposed would be an undesirable form of sporadic development taking no account of the surrounding residential development.

Dated 17th day of November, 19 77.

Signed

Designation

Director of Technical Services.

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, Whitehall, 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 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

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TECHNICAL SERVICES DEPT.

PLANNING SECTION

10 JUL 1978

126 F/78

FILE

DATE

Your reference

Our reference

T/APP/5252/A/77/11158/G6

Date

- 7 JUL 1978

P J Fountaine Esq
27 Castle Street
BERKHAMSTED
Herts
HP4 2DW

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR JOHN ANDREWS
APPLICATION NO:- 4/1102/77

1. I refer to your client's appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for the erection of a dwelling, following the demolition of the existing bungalow, on the demolished site of "Dellcott", Water End Road, Potten End, Berkhamsted. I have considered the written representations made by you, the council, the parish council, Messrs Faulkners acting for Miss Stevens the agricultural tenant and by interested persons. I inspected the site on Tuesday 20 June 1978.

2. From my inspection of the appeal site and surroundings, and from the representations made, I am of the opinion that the main issues are whether or not the proposed dwelling could be regarded as an acceptable addition to the village of Potten End, or would materially detract from the rural qualities of the surrounding area, or could be justified contrary to the council's policies for residential development in the rural area because it would replace the existing bungalow which now occupies the site.

3. The appeal site is a rectangular shaped field with an area of about 3 ha which slopes up away from the road. It has a frontage of about 70 m to the south-east side of Water End Road and adjoins the gardens of houses on the eastern fringe of Potten End, although development in depth on the opposite side of the road extends about 300 m further to the east. Except for some parts towards the rear of the site where trees grow thickly in and around several dellholes, the site is mainly grassland. About midway along the road frontage is a mobile home where your client now lives and about 100 m back is "Dellcott", which was empty at the time of my inspection and which your client proposes to demolish in order to provide a site for the proposed dwelling. "Dellcott" is a timber framed bungalow, about 50 years old, which stands in a small garden area enclosed from the surrounding field. It has a floor area of about 60 sq m and its accommodation consists of a kitchen, bathroom and 4 other rooms.

4. Although the developed part of Potten End to the north-west of Water End Road extends east of the appeal site, I do not consider that this built-up character is continued on the south-east side of that road. This is because the houses adjoining the south-west side of the appeal site are largely hidden from it by a belt of trees near the boundary and also because the substantial tree hedge along the road boundary partly screens from view the road and the dwellings beyond. By contrast,

there is far less screening on the north-east boundary of the appeal site so that in appearance it forms part of the adjoining open fields of Potten End Farm and the other agricultural land further to the east and south. The proposed dwelling would be quite conspicuous in these surroundings, especially when seen from the east, because that part of the site is elevated about 5 m from Water End Road and there is very little screening along the road boundary from trees or hedges for a distance of at least 300 m to the east of it. Your client's mobile home, the commercial garage and the buildings of Potten End Farm which are on the same side of Water End Road are so scattered in otherwise open surroundings that they do not appear to be within the continuously built part of the village, and in any case the proposed dwelling would be set well back from them.

5. In the council's Development Plan and the submitted Structure Plan, new buildings in the rural areas are normally to be permitted only if needed for agriculture or the rural community, or as infilling in the village. I do not consider that the proposed dwelling could be regarded as part of the village of Potten End or an extension of it. Moreover, I am of the opinion that, in its fairly prominent position well back from the road, it would detract materially from the rural appearance and character of the surroundings. In addition, because access to it from the road is across the field, its occupation would impair, to some extent, the effective agricultural use of that land.

6. You state for your client that the proposal should be accepted on planning and housing grounds because it would replace an existing substandard dwelling, but the council maintains that a new dwelling is not necessary because the existing dwelling could be made habitable if the works described in the schedule attached to the Closing Order on the building were carried out. Although I consider that the council's policies apply to this proposed replacement dwelling, regard should be given to the effect of the existing dwelling and its probable future. Because the existing bungalow has a timber frame with wood and asbestos cladding and stands on brick piers, even if the necessary works are carried out to make it habitable I consider it unlikely that it would then be of permanent construction so that it is possible that it would come to the end of its useful life sometime in the foreseeable future. If it were to be replaced, the new dwelling would doubtless be constructed in durable materials so that it would then become a permanent feature. It is also likely that the proposed building, which you have suggested as somewhat larger than the existing one, would be rather more prominent in appearance.

7. The existing building is clearly visible to the detriment of the appearance and character of its surroundings; the proposed building on the same site would be likely to be somewhat more prominent and it would become a permanent feature. Therefore I do not regard the existence of the present bungalow as sufficient to justify the proposed building contrary to my opinion of the detrimental effect it would have on the surroundings. Accordingly, I have decided to dismiss your client's appeal. I

8. I have taken into account all the other matters in the representations but I am of the opinion that they do not outweigh the considerations which led me to my decision.

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

I am Sir
Your obedient Servant

D. J. Tuckett

D J TUCKETT, ARICS MRTPI
Inspector