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Common Services

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CHIEF EXECUTIVE
OFFICER

25 APR 1986

File ref.
Date to C.P.O. 29.4
Signed

Adcom International
PO Box 94
HATFIELD
Herts

JMB
JCB
J. JOHNS
J. DEAN

Your reference

PLANNING DEPARTMENT					
Our reference DACORUM DISTRICT COUNCIL					
Ref.	T/APP/A1910/A/85/40283/P4				
Date	23 APR 1986				
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received			25 APR 1986		
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/1148/85

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 Borough Council to refuse planning permission for the erection of two, 4-bedroom houses, three, 3-bedroom houses and one, 2-bedroom house on land at the junction of Bennetts End Road and St Albans Road, Hemel Hempstead. I have considered the written representations made by you, by the Council and also those made by interested persons. I inspected the site on 5 February 1986.
2. From my inspection of the site and surroundings and the representations made, it appears to me that the principal factors to be taken into account in determining this appeal are whether your proposal would involve over-development of the site, whether adequate provision for satisfactory access to Bennetts End Road has been or could be made and whether adequate provision for parking has been provided.
3. The appeal site adjoins an existing Church and lies at the junction of St Albans Road, A414 and Bennetts End Road where there is a roundabout. Bennetts End Road also is a classified road, the C127. The local planning authority describes Bennetts End Road as a non-principal Class II road forming a major spine road serving the residential neighbourhood of Bennetts End. Both roads carry a lot of traffic. Access to the site is proposed from Bennetts End Road at a point furthest from the roundabout. There is at present a footpath in front of existing 2-storey housing. Under your client's proposals they would be served by a vehicular access leading to the proposed houses which are concentrated on the vacant land furthest from Bennetts End Road. There would be provision for vehicles to turn there. The problems associated with your proposals involve mainly the question whether the vision splays at the junction would be adequate to serve vehicles using the access-way. These vehicles would include those using the 15 or so parking places for the Church and 13 places for the 6 houses. There is also the problem that the vision splays would entail the loss of 3 parking places on the side of the road used by local residents. You propose the provision of 3 or 4 parking places on the side of the access road to meet this need.
4. According to the Council's representations, the standards laid down in "Residential Roads in Hertfordshire, 1982", prepared by the County Council, would require for 6 houses corner radii of 10.5 m and visibility splays of 2.4 m x 70 m minimum. Neither standard can be achieved here. The splay that can be achieved is 2.4 m x 55 m. Different and lower standards would apply if there were only 4 houses though they would not normally be appropriate if Bennetts End Road is

treated as a Local Distributor Road. I have looked at the site with some care and I am not satisfied that it would be justifiable to require the reduction of the number of houses proposed nor that any better solution for 6 houses, than that proposed can be achieved. The proposed arrangements do not appear to me to fall so far short as to constitute a serious road hazard in this case and I do not find on this issue grounds for refusing your appeal.

5. As for the loss of parking spaces, I recognise the shortage of parking provision in the vicinity but I consider that the proposed alternative provision should be satisfactory, particularly if, as you have suggested, 4 places are provided. I note that you are prepared to offer the proposed access road for adoption and to enter into an agreement under Section 38 of the Highways Act 1980 to dedicate the road and footways to the Council for use as highway maintained at public expense, so ensuring public access to the 4 parking places proposed. I appreciate that for residents of the existing houses facing the existing footpath, there would be some loss of amenity if the road is built, but it will be a fairly quiet cul-de-sac and I do not find here grounds for withholding the permission for your proposals.

6. I have, therefore, decided that subject to a condition requiring approval by the local planning authority of certain details of the development and that they should be carried out before the houses are occupied, your appeal should be allowed.

7. I have considered all the other matters raised in the written representations but find nothing of sufficient weight to affect my decision.

8. 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 two, 4-bedroom houses, three, 3-bedroom houses and one, 2-bedroom house on land at the junction of Bennetts End Road and St Albans Road, Hemel Hempstead, in accordance with the terms of the application (No 4/1148/85) dated 15 August 1985 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;

2. the development permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing landscaping and external appearance of the buildings and means of access thereto which shall be approved by the local planning authority before any development is begun and the works concerned shall be carried out before the houses are occupied.

9. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of 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.

10. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation than than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

W. C. KNOX

W C KNOX BA
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Adcom International
PO Box 94
Hatfield
Herts

Six Dwellings, Car Parking and Access Road

at Junction Bennetts End Road/St Albans 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 15th August 1985 and received with sufficient particulars on 10th September 1985 (Amended 15.10.85) and shown on the plan(s) accompanying such application.

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The reasons for the Council's decision to refuse permission for the development are:-

- (1) The proposed development is excessive on a site which is inadequate to accommodate satisfactorily the proposal together with the necessary vision splays and kerb radii at the junction of the proposed access road and Bennetts End Road to meet standards adopted by the Highway Authority.
- (2) The provision of vision splays on either side of the proposed access road at its junction with Bennetts End Road would result in the loss of vehicle parking facilities in Bennetts End Road leading to the loss of a valuable amenity to adjoining and nearby residents.

Dated 17th day of October 1985

Signed



Chief Planning Officer.

SEE NOTES OVERLEAF

P/D. 15

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.