

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To

Mr M Murphy
21 Cantilupe Close
Eaton Bray

Kingsley Griffiths RIBA
18 Matthew Street
Dunstable
Beds

One Dwelling (Outline)

at Land off Grange Close, Markyate.

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 16.6.88. and received with sufficient particulars on 17.6.88. and shown on the plan(s) accompanying such application.

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

The proposed dwelling, due to its height, mass and design, and by reason of its prominent location would be detrimental to the amenities and privacy of surrounding properties and the environment of the locality.

Dated 8th day of September 1988

Signed

SEE NOTES OVERLEAF
P/D.15

Chief Planning Officer

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.

CONSIDERATIONS - All previous consents on the site have been for bungalows. This is the first application to be considered with a first floor. Despite the installation of some panes of obscure glass at first floor level, I am of the opinion that, if permission were granted, a potentially serious overlooking problem could be introduced and is not one that could be overcome by the imposition of suitable conditions. In view of the fact that favourable consideration was given to the last two applications with restrictions on the installation of openings above the level of the eaves, it would be inconsistent for the Council to grant consent in this case, especially where the problems of the relationship of this development to surrounding buildings has not been satisfactorily resolved.

✓ RECOMMENDATION - That planning permission be REFUSED (on form DC4) for the following reason:

The proposed dwelling, due to its height, mass and design, and by reason of its prominent location would be detrimental to the amenities and privacy of surrounding properties and the environment of the locality.

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