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24 SEP 1986

File ref. .... CPO 2419  
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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
C.P.O.			D.P.	D.C.	B.C.
Admin.			File		
Received			24 SEP 1986		
Comments					

Your reference

SJE/JER

Our reference

T/APP/A1910/A/86/045194/P3

Date

23 SEP 86

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR A GABRIEL  
APPLICATION NO: 4/1219/85

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeal against the decision of the Dacorum District Council to refuse planning permission for the erection of a replacement dwelling and garages on land at Tall Timbers, Shendish, London Road, Kings Langley. I have considered the written representations made by you and by the council. I inspected the site on 23 July 1986.
2. Having inspected the site and surroundings and considered all the written representations, I am of the opinion that the main issue in this appeal is the acceptability of the proposed development having regard to the council's policy governing replacement dwellings in the green belt.
3. As is the case nationally, there is a preclusion against new residential development in the Metropolitan Green Belt. However, the Dacorum District Plan, the adopted Local Plan for the area, allows the erection of dwellings as replacements for existing dwellings within groups of houses. There are, though, 2 provisos: first, the new dwelling should be of a similar size to the one it replaces; secondly, the new dwelling should not be more intrusive in the landscape.
4. Your client's site lies within the green belt. It is on the fringe of a group of buildings centred around Harling Farm and Shendish. These properties are to the east; Shendish is a large house now used as a conference centre and social club by a local firm; the Harling Farm buildings include the farmhouse, several agricultural outbuildings and workers' cottages. On the other side of the appeal site the land falls gradually to the west and consists of open farmland. The site itself is triangular in shape. In the southern part are several large mature trees. The northern part is more open and contains a greenhouse and vegetable garden. The central section is rough and overgrown and contains the foundations of the original house which has been demolished since the council's photographs were taken.
5. Although on the periphery of the group of houses around Shendish and Harling Farm, because of the boundary features, the trees and the general disposition of the buildings nearby, the site, to me, can justly be regarded as being within the group. One criteria of the council's policy is thus satisfied. However, when measured against the other criteria, the council contends that the 38% increase in floorspace of the new dwelling cannot be regarded as being similar in size to the original dwelling. The authority also considers that the bulk of the

dwelling and the large garage block makes the development more prominent in the landscape.

6. In response, you argue that such an increase is not substantial and would cause no damage to the contents or intention of the district plan. You contend that the existing property could have been extended incrementally to achieve a dwelling of a similar size. In support you refer to a nearby property, "The Laurels" which was rebuilt and extended, and is now considerably larger than the original house.

7. Unless specifically debarred by a condition, I accept that replacement dwellings could be extended by permitted development rights to a size beyond that originally approved. However, I consider it important to realise that the site is within the green belt where there is a general presumption against new houses. The district plan policy represents an acceptance that dwellings in the green belt can become outdated and below modern standards, and that replacement can often be the only solution. In such circumstances restrictions on size and location are sensible and realistic in order to protect the character and appearance of the countryside.

8. Nonetheless, there are situations, such as those well within groups of buildings, where rigid adherence to the criteria is not necessary; where replacement houses could be larger than the original and yet cause no harm to the green belt and hence the policy considerations. In my view, however, this is not the case here. The appeal site is on the very edge of the group of buildings at Harling Farm and Shendish. Although screened to a degree from the east, it is very exposed to the west and development thereon would be seen from some considerable distance away. Even though a new house of the same size as the original would be visible, I regard the increase in size of the order proposed to be unacceptable - even more so when the new bypass is built. With its L-shaped layout, its height (including windows at first floor level with no floor details) and the large 3 car garage which is an intrinsic part of the scheme, this house would be seen from some considerable distance away as an obtrusive, disharmonious element in the countryside. It is my firm opinion that the scheme would damage substantially the aims and objectives of the district plan and hence the green belt. Policy 6 is an equitable and sensible approach to a particular situation; it should not be casually discarded.

9. I have taken into account the personal circumstances put forward in support of the proposal. I have the utmost sympathy with your client's family situation but I am afraid that they do not overcome the planning objections which are based on the scheme as a whole and not particular requirements within the dwelling. I have had regard also to the reference to "The Laurels", but note that this development was approved prior to the adoption of the local plan. I have taken into account all other matters raised, but none are sufficient to outweigh the planning considerations leading to my decision.

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

I am Sir

Your obedient Servant



TREVOR COOKSON DipTP  
Inspector

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

AJP

## DACORUM BOROUGH COUNCIL

To Mr A Gabriel  
4 Franklin Close  
Hemel Hempstead  
Hertfordshire

M H Seabrook  
4 Bradbery  
Maple Cross  
Rickmansworth  
Hertfordshire

Replacement Dwelling and Garages

at Tall Timbers, Shendish, London Road, Kings Langley

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 26th September 1985 and received with sufficient particulars on 26th September 1985 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 would contain accommodation in excess of the house it is to replace and as such would conflict with Policy 6 of the Dacorum District Plan which states that replacement dwellings in the Green Belt will normally only be permitted when the new dwelling will be of a similar size to that it will replace and that it should not be more intrusive in the landscape.

Dated 28th day of November 1985.

Signed

*W. B. B. B. B.*

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.