

PLANNING DEPARTMENT

C.G.B. Barnard, Esq., M.Sc., Dip.T.P., M.R.T.P.I. Chief Planning Officer

DACORUM DISTRICT COUNCIL,  
CIVIC CENTRE, HEMEL HEMPSTEAD, HERTS. HP1 1UZ

To **Mr D P Lane** T.P. Ref: **4/1233/82**  
.....  
**89 Argyll Road**  
.....  
**Hemel Hempstead**  
.....  
**Herts**

Dear Sir,

Your application dated **...11th October 1982....** has been considered under the provisions of Section 53 of the Town and Country Planning Act, 1971, to determine whether planning permission is required in respect of **a porch.**

**13 Homefield  
Potten End**

You are hereby given notice that the proposals set out therein ~~do~~ constitute development within the meaning of the said Act, ~~and therefore~~

(a) planning permission must be obtained before any such proposals can be carried out

~~(b) do not require the permission of the Local Planning Authority~~

The grounds for this determination are as follows:

1. The proposed works amount to a building operation thereby constituting development within the terms of S.22 of the Town and Country Planning Act 1971.
2. Because the porch is 3.3m high at its highest point, it does not fall within Class I.2 of Schedule 1 to the Town and Country Planning General Development Order 1977 as amended.
3. The porch does not fall within Class I.1 of the said Order since it projects beyond the forwardmost part of a wall of the original house which fronts on a highway.

Dated **15th November 1982** Yours faithfully, .....



(Chief Planning Officer)

(See notes on reverse)

#### NOTES

(1) Any person who desires to appeal -

- (a) against a determination of a local planning authority under Section 53 of the Act; or
- (b) on the failure of a local planning authority to give notice of their decision or determination or of the reference of the application to the Secretary of State,

shall give notice of appeal to the Secretary of State within six months of notice of the decision or determination or of the expiry of the appropriate period allowed under Article 7 (6) of the Town and Country Planning General Development Order 1977 as amended, for giving such notice (i.e. 8 weeks from date of receipt of application by Local Planning Authority), as the case may be, or such longer period as the Secretary of State may at any time allow. The notice shall be given in writing, addressed to The Secretary of State for the Environment, Tollgate House, Houlton Street, BRISTOL BS2 9DJ.

(2) Such person shall also furnish to the Secretary of State a copy of the following documents:-

- (i) the application;
- (ii) all relevant plans, drawings, particulars and documents submitted with the application;
- (iii) the notice of the decision or determination, if any;
- (iv) all other relevant correspondence with any local planning authority.



## DEPARTMENT OF THE ENVIRONMENT

Room 925

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 614

Switchboard 0272-218811

GTN 2074

Council's Ref: 4/1233/32D/DPN

Your reference

D R Lane Esq BSc (Hons) DipTP MRTPI  
89 Argyll Road  
Hemel Hempstead  
Herts HP2 6NF

24 NOV 1983

Our reference PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL APP/5252/G/83/11					
Date Recd.				Ack.	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received <i>gms</i> 25 NOV 1983					
Comments <i>P. return to MS. for Committee 15/12.</i>					

Sir

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 53  
LAND AT 13 HOMEFIELD, POTTEN END, HERTS  
APPEAL BY MR D FENN

1. I am directed by the Secretary of State for the Environment to refer to your client's appeal against the determination, given under Section 53 of the Town and Country Planning Act 1971 by the Dacorum District Council, that the proposal to construct a porch at 13 Homefield, Potten End, would constitute or involve development for which an application for planning permission is required under Part III of the 1971 Act.

2. The written representations made in support of your client's appeal and those of the Council have been considered. An officer of the Department has visited the site.

## THE APPEAL SITE

3. No 13 Homefield is the northern end house in a terrace of 4 fronting the western side of the adopted highway known as Homefield. The original front door, contained within an open-fronted porch, faced the road on the right-hand side of the frontage, at a distance of about 5 metres from the highway. To the left of the front door, there is a 2-storeyed and gabled forward section of the house which projects 1.2 metres closer to the road, and forward of the line of the original front door. The face of the appeal property extends from the northern front quoin southwards for a distance of about 2.60 metres followed by an eastward return of 1.2 metres, then a second southward run of about 3.70 metres which returns westwards for 1.2 metres to meet the front wall of its southern neighbour.

4. Construction of the porch which is the subject of this appeal has now been completed, a separate application for planning permission having been made and granted. The former open-fronted porch has been removed and replaced by the appeal structure. The new porch has been constructed of matching LBC facing bricks, plastic-sheathed aluminium and hardwood framed glazed door and screen, and a mono-pitched roof in tiles similar to those of the main roof. The dimensions of the porch as built are: width 2.20 metres, overall height 3.30 metres, depth 1.15 metres. The effect of this work is to form a straight-line frontage to the dwelling at ground floor level with the exception of about 0.30 metre abutting the northern front quoin, which is still outside the new, as it was the old, porch. The original front door and screen have been removed and the newly-enclosed area now forms an integral part of the entrance hall to the house.

## REASONS FOR THE DECISION

5. In support of your client's appeal it was contended that the new porch was permitted development by virtue of Class I.1 of Schedule 1 to the Town and Country

General Development Orders 1977 to 1981 because the porch would not project forward of the forwardmost part of the wall which fronts onto the highway. It was submitted that in this particular case the front wall of the appeal property was that of the 2-storeyed bay which projects forward 1.2 metres and has a width of 3.7 metres. You drew attention to the Secretary of State's decision of 29 January 1982, reference APP/5376/G/81/8, reported on page 531 of the Journal of Planning and Environmental Law 1982, in which it had been accepted that a shower room, to be built in a similar location to that of the porch in the present case, was behind the "forwardmost part of any wall" and so was permitted development.

6. On behalf of the Council it was accepted that the porch satisfied the requirements of sub-paragraphs (a), (b), (d) and (e) of Class I.1 of Schedule 1 to the Town and Country Planning General Development Orders 1977 to 1981. However it was considered that the porch did not meet the limitation in sub-paragraph (c) which requires that no part of the enlarged building should project beyond "the forwardmost part of any wall of the original dwellinghouse which fronts on a highway." It was submitted that the appeal property had 2 walls which fronted the highway, Homefield, and that in projecting in front of one of them (ie the one containing the original front door and forming the main building line for the terrace of 4 houses, and 6 other houses to the north) the porch did not fall within Class I.1 because it projected beyond the forwardmost part of a wall of the dwelling which fronted Homefield. In support of this submission reference was made to the case of North West Leicestershire DC v Secretary of State for the Environment and Lees (1982) JPL 777 in which the Court had held that what constitutes a wall is a question of fact and degree in each case.

7. There is no dispute in this case that the construction of the new porch involved the carrying out of building operations which materially affect the external appearance of the dwellinghouse and so constitute development of the land, requiring planning permission for the purposes of Sections 22(1) and 23(1) of the 1971 Act. The only issue is the interpretation of sub-paragraph (c) of Class I.1 of Schedule 1 to the Town and Country Planning General Development Orders 1977 to 1981, it being agreed that the porch would otherwise be within the limitations of Class I.1. The Council's submissions have been carefully considered but are not accepted. It is considered that a wall can be of various shapes and lengths and the view is taken that, as a matter of fact and degree, the whole front elevation of the appeal property, including the 2-storeyed and gabled forward section, as described in paragraph 3 above, comprises one wall which fronts onto the highway, Homefield. It then follows that "the forwardmost part of any wall" which fronts onto Homefield is the front face of the 2-storeyed bay, and as no part of the proposed porch projects in front of the line of that part of the wall, and the operations comply in all other respects with the limitations of Class I.1, it is considered that the development is permitted development within the Class. Accordingly a determination to that effect will be given.

#### FORMAL DECISION

8. For the reasons given above, the Secretary of State allows your client's appeal and hereby determines under Section 53 of the 1971 Act that the construction of a porch at 13 Homefield, Potten End, in accordance with the submitted drawing No 1A dated May 1982, constitutes or involves development of the land but that an application for planning permission in respect thereof is not required under Part III of the 1971 Act, having regard to the provisions of Article 3 and Schedule 1, Class I.1, of the Town and Country Planning General Development Orders 1977 to 1981.

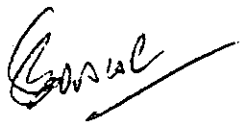
#### RIGHT OF APPEAL AGAINST DECISION

9. This letter is issued as the Secretary of State's determination of the appeal, but Section 247 of the 1971 Act provides that an appeal against the decision may

be made to the High Court on a point of law. Any appeal must be made within 23 days of the date of receipt of this letter (unless a successful application is made to the Court for the period to be extended).

I am Sir

Your obedient Servant

A handwritten signature in dark ink, appearing to read 'Pascoe', with a long horizontal flourish extending to the right.

P PASCOE

Authorised by the Secretary of State  
to sign in that behalf