



Department of the Environment

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TECHNICAL SERVICES DEPT.

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GTN 2074

PLANNING SECTION

15 SEP 1980

exchange
FILE
No.

DATE

Mr P A Gates
The Old Telephone
High Street
BOVINGDON
Herts

Your reference

Our reference

T/APP/5252/A/80/05252/G5

Date

12 SEP 1980

✓ G. Randall 15/9.

2) ~~✓~~

3) ✓ Hill

4) Team 1

Return to G. Randall

For report, to next office

23.10.80

15.9.80.

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/1289/79

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of a 2-storey side extension, a single storey front extension to form shop and a double garage at The Old Telephone Exchange, High Street, Bovington. I have considered the written representations made by you and by the district council and also those made by the parish council. I inspected the site on 12 August 1980.
2. From my inspection of the site and its surroundings, and from the representations made, I am of the opinion that the main issue in this case is whether the proposal would be unduly detrimental to the character and appearance of the locality.
3. I note that the council do not oppose the proposed shop use and, having regard to the general location of the building within the village, this is a point of view with which I concur. Furthermore, I see no reason to question the council's apparent acceptance of the general form of the proposed single storey front extension. However I do share their concern that the 2-storey side extension would unbalance the present simple lines of this modest building. The half-hipped, truncated roof of the side extension, would I believe introduce an obtrusive and somewhat incongruous feature to the street scene.
4. I accept that there are other visual blemishes in this street, not least the single storey front projection to the post office, but these do not in my view provide a compelling argument for allowing a further deterioration in townscape. Particularly since your own property is very close to the Conservation Area, the character and appearance of which the council are obliged to preserve or enhance. Whereas I observed that the proposed alterations would be largely screened by adjacent buildings when viewed from within the Conservation Area itself, I was left in no doubt that much of the side extension would be unduly prominent in views on entering the Conservation Area from the north-west. Despite your submission to the contrary I consider the close proximity of the Conservation Area to be of relevance and the council's insistence upon a high standard of design and a more compatible form of development to be justified in this instance.
5. I have taken into account all the other matters raised in the representations, including your intention to use matching materials, but I am of the opinion that they are insufficient to outweigh the considerations that have led me to my decision.

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

I am Sir
Your obedient Servant

B H Smith

B H SMITH DiPTP MRTPI
Inspector

TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
	15 SEP 1980
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Department of the Environment
2 Marsham Street
LONDON SW1P 3EB

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971).

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is the Secretary of State or Inspector, as the case may be, has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those Acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No. 419), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No. 420), which relate to the procedure on appeals transferred to Inspectors.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

TCP 405

TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
15 SEP 1980	

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

DACORUM

THE DISTRICT COUNCIL OF

IN THE COUNTY OF HERTFORD

To P.A. Gates Esq.,
The Old Telephone Exchange,
High Street,
Bovingdon,
Herts.

Two storey side extension, single storey front

extension to form shop and double garage.

The Old Telephone Exchange, High Street, Bovingdon.

at

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 ~~10th September 1979~~ **11th September 1979** and received with sufficient particulars on 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 proposal would create an obtrusive building out of character with the street scene and detrimental to the amenity of the locality.

Dated 25th day of October 1979

Signed.....

Director of Technical Services

Designation

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.