D.C.4

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning Ref. No. 4/1304/81

Other Ref. No. AMENDED - SEE LETTER 14.1.82

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. T. Hill,
40 Perry Green,
Woodhall Farm,
Hemel Hempstead, Herts.

Mr. T. Firth,
99 Sandridge Road,
St. Albans,
Herts.

Change of use of amenity green to residential garden and provision of means of enclosure,

Land adjacent to 40 Perry Green, 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 16th October 1981 and received with sufficient particulars on 19th October 1981 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 development proposed would adversely affect the visual amenity of the area and have a detrimental effect on the street scene.

Dated 3rd day of December 19 81.

Signed [signature]

Designation Chief Planning Officer

26/20

SEE NOTES OVERLEAF

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.

D.C.4

Town Planning Ref. No. 4/1304/81

Other Ref. No. .....

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD .....

.....

To Mr T Hill
40 Perry Green
Woodhall Farm
Hemel Hempstead
Herts

Mr T Firth
99 Sandridge Road
St Albans
Herts

Change of use of amenity green to residential garden, and erection of boundary wall.

at 40 Perry Green, Hemel Hempstead.

INCORRECT

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 October 1981 and received with sufficient particulars on 19 October 1981 and shown on the plan(s) accompanying such application..

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Dated 3 day of December 19 81

Signed C Brinkbarnard

Designation Chief Planning Officer

26/20

SEE NOTES OVERLEAF

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D/1233/JP/P

CPO

Department of the Environment and Department of Transport
Common Services
Room 1308 Tollgate House Houlton Street Bristol BS2 9DJ
Telex 449321
Direct line 0272-218856
Switchboard 0272-218811

CHIEF EXECUTIVE
21 OCT 1982

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ref.				
C.P.O.	D.P.	D.C.	B.C.	Your reference TF/HK
				Our reference
Received 21 OCT 1982				Date
Comments				20 OCT 1982

Mr T Firth
99 Sandridge Road
ST ALBANS
Herts

T/APP/5252/A/82/06094/G8
T/APP/5252/A/82/07411/G8

5820

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR T HILL
APPLICATION NOS:- 4/1304/81 and 4/0094/82

1. I refer to these appeals, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for (a) change of use of amenity green to residential garden and provision of means of enclosure, and (b) change of use of amenity green to residential garden and provision of 6 ft high close boarded fence to match existing, at 40 Perry Green, Woodhall Farm, Hemel Hempstead. I have considered the written representations made by you, the council and also those made by an interested person. I inspected the site on 26 September 1982.

2. As both appeals are by the same appellant and refer to the same amenity open space they are being dealt with together, in line with your suggestion. From the representations that have been made and my inspection, I consider that decisions on the 2 proposals to extend your client's garden, the first up to the public footway and the second leaving a 6 ft strip of the open space, turn on the effect they would have on the appearance and character of the area.

3. The council's opposition to both proposals stems from their concern to protect the present openness of layout, which they regard as a notable feature of the surrounding estate. They contend the approach they have adopted to such proposals was endorsed when a decision to reject a similar application for the change of use and enclosure of amenity land was upheld on appeal.

4. They consider the appearance of Shenley Road, as the main spine road of the estate, to be of particular importance and intend to resist erosion of amenity spaces along its frontage. With regard to your client's site, they also attach importance to retaining the visual linkage between the amenity space under appeal and the one running at right angles to it, beside the footway leading to Perry Green and Kipling Grove. In their view the linkage would be destroyed by the first proposal and seriously impaired by the second.

5. In the representations submitted on behalf of your client, you dispute the council's view that both proposals would be damaging to the street scene. So far from being harmful, you contend that by masking the end of the garage block to the west of the appeal site, either of your client's proposals would improve the appearance of the street.

6. You claim your client's case is exceptional in that his property is virtually the only one in Shenley Road to include amenity space on 2 sides. In your opinion it is unfair that responsibility for this land should have been transferred to your client as part of his freehold, when he has no control over trespass and misuse.

7. You question the relevance of the previous appeal decision referred to by the council, on the grounds that there were considerations of traffic safety to be taken into account in that instance, which do not apply to the present cases.

8. Having now seen the estate I recognise the importance of the council's intention to safeguard the openness of its layout. It seems clear to me from my site inspection that, if your client enlarged his garden to take in the amenity space up to the public footway, an attractive open feature would be lost and replaced by an extension of the blank frontage presented to Shenley Road by the back of the adjoining garage block. In my opinion this would be detrimental to the appearance of the area.

9. I am not persuaded, however that, if a 6 ft wide strip of amenity space were retained between the footpath and your client's fence, the effect of extending the garden would be seriously harmful. In reaching this conclusion I have had in mind the council's wish to maintain a link between the system of amenity space fronting Shenley Road and the open area running back from it toward Perry Green. In my opinion the second of your client's proposals would allow the linkage to be maintained, even though in a reduced form, and it would also allow for the view across the corner, which the council considers an element in street scene.

10. I have taken account of all other matters raised in the representations, but do not consider them to be of sufficient force to affect my decisions. For the reasons given and in exercise of the powers transferred to me I hereby:

a. dismiss appeal reference APP/5252/A/82/06094/G8; and

b. allow appeal reference APP/5252/A/82/07411/G8 and grant planning permission for the change of use of amenity green to residential garden and the erection of a 6 ft high close boarded fence to match the existing at 40 Perry Green, Woodhall Farm, Hemel Hempstead in accordance with the terms of the application (No 4/0094/82), dated 28 January 1982 and the drawing submitted therewith. This permission is subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

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

I am Sir
Your obedient Servant

Harold E. Johnson

D E JOHNSON FRTPI RIBA
Inspector

14th January, 1982.

Mr. T.Firth,
99, Sandridge Road,
St.Albans,
Herts.

Mrs. E.N.Hunter
4/1304/81/ENH/DKG

60161 2347

Dear Sir,

40, Perry Green, Hemel Hempstead

On the 3rd December, 1981 a decision notice refusing permission for a change of use from amenity green to residential garden was issued for the above address. This notice was sent to you on 10th December, 1981, as agent for Mr. T.Hill owner of this property.

I note the wording on the D.C.4 notice is incorrect and enclose a replacement notice that will rectify the matter.

If the original notice could be returned to me in the envelope enclosed it would be appreciated and any inconvenience caused is regretted.

Yours faithfully,

Chief Planning Officer.

MRS. I. HUGHES OF H.C.C. INFORMED OF (18.1.82) AMENDMENT.