

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To L H J Fenwick
354 Hempstead Road
Watford
Herts

..... Detached home and garage. (Replacement)

at 'Old Stocks'. Flaunden Lane, Bovington.

Brief
description
and location
of proposed
development.

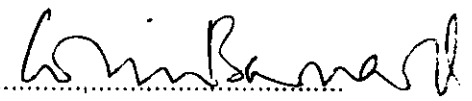
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 13th. October 1983 and received with sufficient particulars on 13th. October 1983 and 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 greatly in excess of the bungalow it is to replace and as such will be in direct contravention of Policy 6 of the deposited Dacorum District Plan which states that replacement dwellings in the Green Belt will normally only be permitted when the new dwelling will be of similar size to that which it will replace and that it should not be more intrusive in the landscape.

Dated ... 24th day of ... November 19 83 ...

Signed.....


Chief Planning Officer

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, 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.
- (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



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CHIEF EXECUTIVE
OFFICER

26 SEP 1984

File Ref.
Refer to ... CPO 26/9
Cleared

Mr L H J Fenwick
354 Hempstead Road
WATFORD
Herts
WD1 3NA

Your reference

PLANNING DEPARTMENT			
Our reference			
DACORUM DISTRICT COUNCIL			
T/APP/81910/A/84/16213 and			
Ref.	Date	16214/P7	
C.P.O.	D.P.	25 SEP 84	Admin. File
Received 26 SEP 1984			
Comments			
AND SCHEDULE 9			

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36
APPLICATION NOS:- 4/1316/83 AND 4/0334/84

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeals. Your appeals are against the decisions of the Dacorum District Council to refuse planning permission for 2 proposals to erect a chalet bungalow to replace the existing chalet bungalow, at "Old Stocks", Flaunden Lane, Felden. I have considered the written representations made by you and by the council. I inspected the site on 10 September 1984.
2. From my inspection of the site and surroundings and from the representations made it is my opinion that the main issue in both cases is whether these proposals would materially conflict with planning policies for the area, and if so, whether there are overriding reasons why the proposed dwellings should nevertheless be permitted.
3. The approximately 0.75 acre appeal sites are identical and comprise the curtilage of a detached chalet bungalow with frontage and access to the west side of a narrow and poorly aligned country lane. The erection of a bungalow on the appeal site was evidently allowed on appeal in March 1957, and this has been enlarged within the permitted development limits to now comprise a hall, a sitting room, a dining room and another living room on the ground floor plus bathroom, lavatory, kitchen, utility room and store room, with 2 bedrooms and a dressing room in the roofspace above. In the grounds are a small brick-built store, and 3 corrugated iron buildings one of which has a pitched tiled roof; these buildings afford storage and garage accommodation and would be retained under application 4/0334/84. At the time of my visit the property was unoccupied.
4. To the north-east the appeal site is bounded by the grounds of a substantial detached house and to the south-east by a smaller residential property. The rear, or north-west, boundary adjoins open farmland, and the buildings and dwelling of a farm stand on the opposite side of Flaunden Lane. The frontages along both sides of this lane to the north and south of the appeal site are mostly occupied by agricultural land.
5. In the County Structure Plan the appeal site is shown to be within the Metropolitan Green Belt. On the Dacorum District Plan placed on deposit in January 1981 and formerly adopted in January 1984, the site is shown within the Metropolitan Green Belt. Policy 6 of the Plan requires that planning permission for replacement dwellings within a group of dwellings which is likely to remain will be permitted although the new dwelling should be of similar size to that which it replaces and should not be more intrusive in the landscape.

6. Quite rightly in my opinion the council accept that neither of the proposed dwellings is likely to be more intrusive in the landscape because of the hedge and tree screening along the appeal site boundaries. However, although I accept that the avoidance of intrusion in these rural surroundings is an important consideration, I do not believe that in the light of the strict planning policies applicable to this site that the floor areas envisaged by these proposals are any less important. Indeed, it is my opinion that the council's objection based upon the increased floorspace in both proposals must be supported.

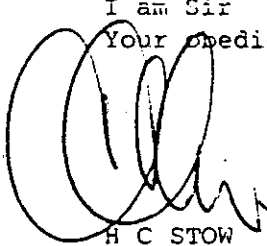
7. It was agreed during the site visit that the present dwelling has an area of about 1,455 sq ft; comprising some 1,000 sq ft on the ground floor and 455 sq ft on the first floor. And for the purpose of comparing present and proposed floorspace, I am of the opinion that it is reasonable to include only the largest existing outbuilding, giving an additional 300 sq ft; I concur with the council's submission that the other structures should be considered as merely ancillary to the residential use of this property.

8. In these circumstances I am satisfied that both proposals would represent significantly larger dwellings on the appeal site; dwellings that could not be properly described as of similar size to that either would replace. Therefore, it is my opinion that both proposals would be in serious breach of the stringent planning policies applicable to this area, and I am in no doubt that they could only be sanctioned for most exceptional and appropriate reasons; reasons that have not been demonstrated to my satisfaction in this case.

9. The existing chalet bungalow looks to be sound and well maintained, and in my view is an attractive dwelling offering a great deal more than the essentials of living accommodation. I certainly do not accept that the accommodation can be accurately described as outdated, nor that the outbuildings are unsightly as you contend. All in all I am not persuaded that there are sufficient reasons to warrant setting aside the normal operation of local planning policies in these cases. I note those other developments in the locality which you have drawn my attention, but whilst I can understand why you have done so I find no cause to consider these appeals other than upon their individual planning merits. I have, of course, also taken account of all the other matters raised but conclude these are outweighed by those matters which have led me to my decisions.

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

I am Sir
Your obedient Servant



H C STOW
Inspector