

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

IN THE COUNTY OF HERTFORD.

To Mr N R Church Stephen Blandamer
 Mauldens Cottage Chartered Arch.
 Venus Hill 63 Sunnyside Road
 Bovingdon Chesham

Single storey side extension

at ... Mauldens Cottage, Venus Hill, Bovingdon.

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 11th October 1984 and received with sufficient particulars on 11th October 1984 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proved and the proposed development is unacceptable in the terms of this policy.

Dated 7th day of December 19 84 ..

Signed

Chief Planning Officer

P/D.15

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, 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.

Department of the Environment and
Department of Transport



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S J Blandamer Esq BSc Dip(Hons) Arch RIBA
Chartered Architect
4 Red Lion Street
CHESHAM
Bucks
HP5 1HF

Your reference

84/039
Our reference

T/APP/A1910/A/85/C28471/P5
Date

16 AUG 85

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY N R CHURCH ESQ
APPLICATION NO:- 4/1336/84

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 Borough Council to refuse planning permission for a single storey side extension to Mauldens Cottage, Venus Hill, Bovington. I have considered the written representations made by you and by the council and I inspected the site on 24 June 1985.
2. From my inspection of the site and its surroundings and from the written representations it is my opinion that the main issue in this case is whether there is justification for an exception to the normal presumption against residential development in the Metropolitan Green Belt, bearing in mind the council's guidelines for house extensions in the area.
3. Your client wishes to extend his house to provide an extension to the present living room, so that it is, in your view more commensurate with the accommodation in the rest of the house. You consider that the acceptance by the local planning authority of extensions in 1971, 1973 and 1978 showed the council's preparedness to accept that there should be a substantial house set in the large gardens and adjoining paddock.
4. You consider that the property is set within a hamlet at Venus Hill, and that the proposed extension would not intrude into the rural surroundings, and its design would be complementary to the local building style.
5. The council have recently adopted the Dacorum District Plan, which sets policies for development within the Metropolitan Green Belt which are in conformity with the Hertfordshire County Structure Plan first approved in 1979, and amended in 1984 to extend the green belt. The appeal site lies within the green belt, and the effect of the policies is that planning permission will not be granted except in very special circumstances for development which is not appropriate to the rural areas of the green belt. The council have also approved policy guidelines which have the effect of relaxing the policies governing development in the green belt to allow house extensions within certain limits, so as not to unduly restrict a householder's wishes to enlarge his residence. The extensions already carried out and those now proposed by your client go considerably beyond the limits of this relaxation.

6. You take the view that your client is entitled to expect that he could extend his house and that the policies place an unfair and unnecessary restriction on him.

7. From my inspection of the appeal premises and the plans it appeared to me that the amount of living accommodation is not in fact substantially out of balance with the overall accommodation within the house, but that the distribution of space between the 2 living rooms (the snug and the rear living room) is such that the enjoyment of the house may be restricted. I observe that the internal layout may not be capable of adaptation to the extent that a room of suitable size for reasonable social use and family gathering was available.

8. I am however of the view that your client's proposal would be a considerable addition to the property, and by extending its overall length would diminish its separation from the barn adjacent to the next door property, Mauldens. This would lead to an erosion of the open nature of the green belt, and would be a step towards further urbanisation which green belt policies are designed to prevent. Therefore, whilst the particular circumstances of your client's dwelling have carried some weight in my decision, I am not convinced that they necessitate further relaxation of the green belt policy to the extent required by the appeal proposal. To do so would in my view make it extremely difficult to maintain green belt policy in relation to house extensions of any size, and render the council's guidelines useless.

9. I have taken into account all other matters raised in the written representations, but I do not find that they outweigh my conclusions on the planning aspects of this case.

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



DAVID WARD BSc (Hons) CEng MICE FIHT
Inspector