



# Planning Inspectorate

Department of the Environment

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GTN 1374

Swanley-Hill Properties Ltd  
78 Belswains Lane  
HEMEL HEMPSTEAD  
Herts  
HP3 9PP

PLANNING DEPARTMENT					
DACORUM BOROUGH COUNCIL					
CCO	TOP	JP	DC	BC	Ack
					Admin
					File
30 JUL 1990					
Received					
Comments					

Your Reference:

76/78 BEL

Our Reference:

T/APP/A1910/A/90/145922/P2

Date:

27 JUL 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO: 4/1348/89

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for the demolition of existing properties and erection of 6 one-bedroom town houses and 8 one-bedroom flats on land at 76-78 Belswains Lane, Hemel Hempstead. I have considered the written representations made by you, the Council, and interested persons. I inspected the site on 4 July 1990.

2. From my consideration of the written representations made, and having inspected the site and its surroundings, it is my opinion that the main issues in this case are: firstly, the effect of the proposed access on road safety; and secondly, whether the proposal would harm the living conditions of nearby residents as a result of noise and disturbance or loss of privacy.

3. The section of Belswains Lane which includes the appeal site is fronted by a mixture of detached and semi-detached houses. The site comprises 2 of those detached houses and their gardens. The proposal would involve demolishing the houses and erecting 2 blocks of 4 flats approximately in their place. A terrace of 6 houses would be constructed in what is at present the rear gardens. Parking space for 18 vehicles would be provided in a courtyard between the houses and the flats. An access road would connect the courtyard to Belswains Lane.

4. Planning Policy Guidance Note 13 indicates that 4.5m is normally the minimum acceptable minor road distance to achieve adequate visibility at the access to a development of more than a half dozen dwellings. Whilst the proposal would provide over twice the number of dwellings mentioned in the Note, it is only practicable to achieve a minor road distance of 2.4m. Belswains Lane is a fairly busy local through traffic route which is subject to a 30mph speed limit. Table B of Appendix C to the Note shows that the major road distance should therefore be 90m. This can however be reduced to 70m if the 85percentile speed of traffic in wet weather is known to be 30mph or less. I estimate that most of the vehicles I saw when I inspected the site on a dry day were travelling at about 30mph. Consequently, I believe that a safe junction would result if the visibility standard were reduced to a minor road distance of 2.4m and a major road distance of 70m.



5. It was agreed at the site inspection that visibility to the north across land under your control is only 26m. That is the side from which traffic would approach the access on the opposite side of the road. However, there are no waiting restrictions in the vicinity of the site and I saw a number of cars parked partly or entirely in the carriageway. Other vehicles had to pull out in order to pass those. The carriageway is only about 6m wide. Consequently, I consider that visibility of the order of 70m should be available to the north as well as to the south. In my opinion the available visibility is so seriously substandard that it would not be possible for people driving along Belswains Lane to see vehicles emerging from the access in time to avoid the risk of a collision. Conversely, drivers emerging from the access would not be able to see vehicles on the major road in adequate time. Although a parking area in front of 74 Belswains Lane enables a wider view to be obtained, that view could at any time be blocked by a vehicle parked on the area concerned.

6. You have negotiated the setting back of the fence to an electricity substation which has provided visibility in excess of 70m to the south. Whilst I regard that visibility as adequate there is no evidence that the land between the new fence and the highway is now under your control. If the Electricity Board should decide to erect anything on it, visibility to the south could be reduced to a similar unacceptable distance as that to the north.

7. Regarding the second issue, I consider that windows in the proposed dwellings would be sufficiently far from nearby houses and their gardens to prevent any significant loss of privacy. However, the area at the rear of properties in Belswains Lane is quiet and peaceful at present. The courtyard containing parking spaces for 18 cars would adjoin the rear garden of 74 Belswains Lane and be some 4m from the front windows of a pair of houses known as Belswains Cottages. In my opinion the occupiers of those properties would experience an unacceptable amount of noise and disturbance as a result of vehicles entering, leaving and manoeuvring in that area. I therefore consider that the proposal would constitute an unneighbourly overdevelopment of the site. I have also taken into account all the other matters raised in the representations but do not find them to be sufficiently important to override my decision.

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

I am Gentlemen  
Your obedient Servant



W J WEEKS ARICS  
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



**DACORUM BOROUGH COUNCIL**

To Swanley Hill Properties Ltd  
78 Belswains Lane  
Hemel Hempstead  
Herts

..... 14 one bedroom dwellings and car parking .....

.....

at ..... 76-78 Belswains Lane .....

..... 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 ..... 7. August 1989 ..... and received with sufficient particulars on ..... 8. August 1989 ..... 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 as submitted does not provide for satisfactory visibility sight lines within the control of the applicant at the junction of the proposed access road with Belswains Lane and would therefore be likely to give rise to conditions prejudicial to highway safety.
2. The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by occupants of adjacent dwellings.
3. The proposed development is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities.

Dated ... 19th ... day of ... October ... 89

Signed ..... *Wm Bama* .....

SEE NOTES OVERLEAF

P/D. 15

Chief Planning Officer

#### NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.

Notice takes effect [the period specified in respect of each step in that schedule]

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of s.88(10) of the Act, on 19 .

#### SCHEDULE 1

Land or premises to which this Notice relates

78 Belswains Lane Hemel Hempstead Hertfordshire

shown edged red on the attached plan

#### SCHEDULE 2

Alleged breach of planning control

Change of use from residential use to use as offices

#### SCHEDULE 3

Steps required to be taken

Cessation of the use of the premises as offices

Issued

19

Councils address:

Civic Centre  
Marlowes  
Hemel Hempstead  
Herts HP1 1HH

(signed) \_\_\_\_\_

(Designation) \_\_\_\_\_  
(The Officer appointed for this purpose)

IMPORTANT:- THIS COMMUNICATION AFFECTS YOUR PROPERTY

DACORUM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1971 (as amended)  
**ENFORCEMENT NOTICE**

Material Change of Use

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78 BELSWAINS LANE, HEMEL HEMPSTEAD

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W H E R E A S:

- (1) It appears to the Dacorum Borough Council ("the Council") being the local planning authority for the purposes of s.87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control after the end of 1963 on the land or premises ("the Land") described in Schedule 1 below.
- (2) The breach of planning control which appears to have taken place consists in the carrying out of development by the making of the material change in the use of the land described in Schedule 2 below, without the grant of planning permission required for that development.
- (3) The Council considers it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this Enforcement Notice, in exercise of its powers contained in the said section 87, for the reasons set out in the annex to this Notice.

NOTICE IS HEREBY GIVEN that the Council requires that the steps specified in Schedule 3 below be taken in order to remedy the breach [in order to remove or alleviate any injury to amenity which has been caused by the development] within the period of ~~six~~ ~~11/15/81~~ [months] from the date on which this

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TOWN AND COUNTRY PLANNING ACT 1971 (as amended)  
**ENFORCEMENT NOTICE**

Material Change of Use

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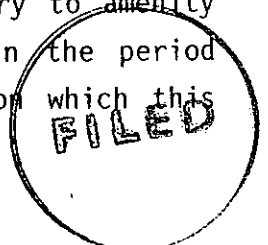
78 BELSWAINS LANE, HEMEL HEMPSTEAD

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W H E R E A S:

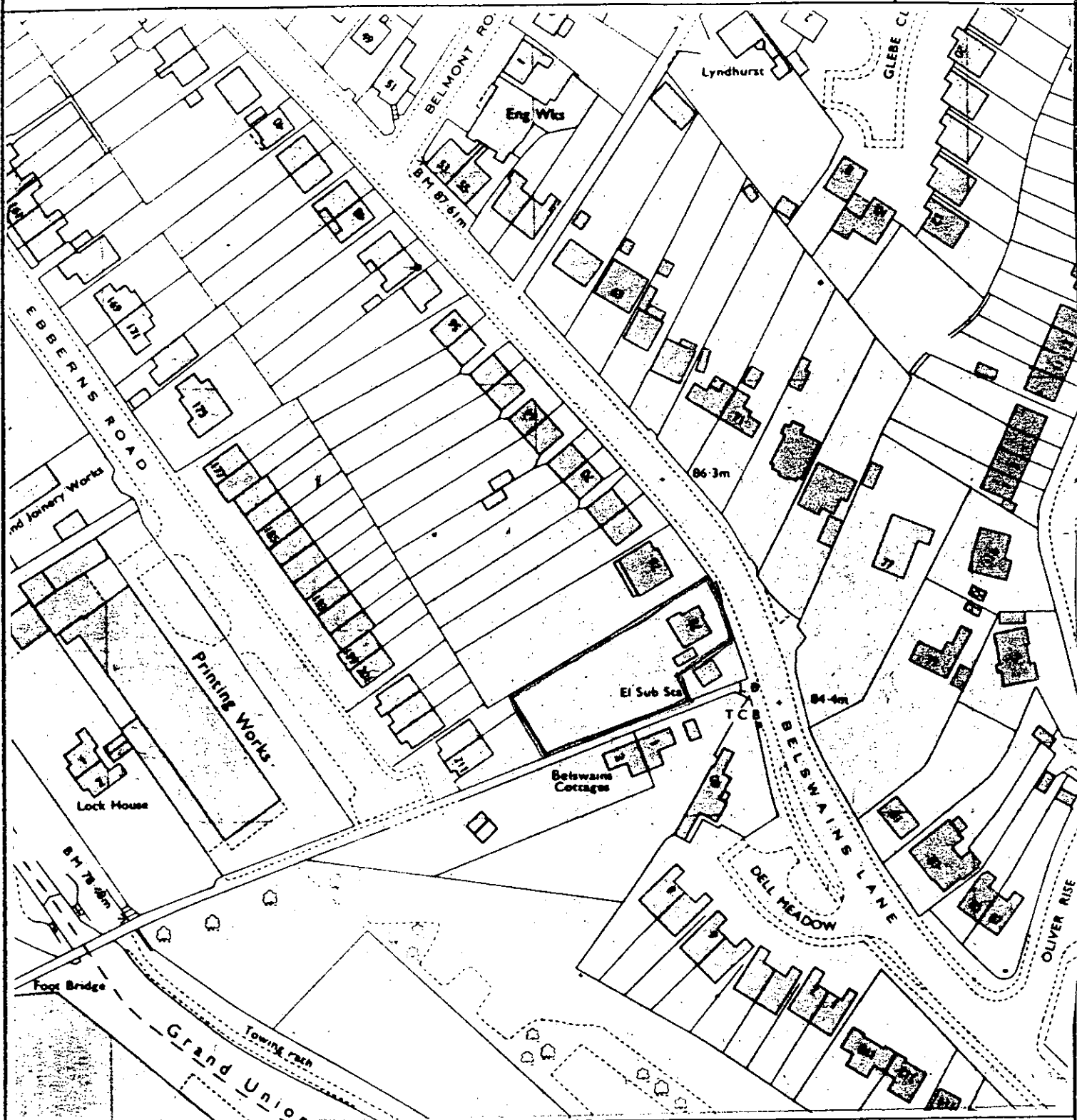
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LOCATION

78 BELSWAINS LANE,  
HEMEL HEMPSTEAD.



C.G.B. Barnard  
Chief Planning Officer  
Dacorum Borough Council  
Hemel Hempstead

Scale .....  
Plan no. ....