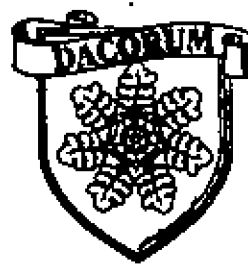


TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To..

Mr J Barrance
46 High Street
Bovingdon
Herts

Aitchisons
154 High Street
Berkhamsted
HP4 3AT

..... 6 Flats and Maisonette, Car Parking and access
..... improvement (outline)
.....
at 46 High Street, 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 and received with sufficient particulars on 13.7.88. 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 represents a gross overdevelopment of the site which would affect adversely the visual and general amenities and detract from the character of the area.
2. In specified settlements development will be limited to that which is compatible with the maintenance and enhancement of their character. In the opinion of the local planning authority the absence of associated amenity space and the impact of the proposed development on the appearance of the village High Street would be contrary to the objectives of Policies 47 and 48 of the Approved Hertfordshire County Structure Plan 1986 Review.

Dated 8th day of September 19 88

Signed.....

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.



Planning Inspectorate
Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927
Switchboard 0272-218811
GTN 1374

D/1036/HB/P

1/10
2/10

Messrs Aitchisons		CHIEF EXECUTIVE	
63 Marlowes		OFFICER	
HENEL HEMPSTEAD		13 SEP 1989	
Hertfordshire			
HP1	CPL	T.C.P.M.	D.P.
		D.C.	FRS
		Adm.	File
Refer to		13.9	
Received		13 SEP 1989	

Your reference

NRA

Our reference

T/APP/A1910/A/89/118393/P4

Date

11 SEP 89

Gentlemen

30800

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MR J BARRANCE

APPLICATION NO:- 4/1353/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse outline planning permission for the demolition of existing dwelling and erection of 6 flats and a maisonette with car parking and upgrading access at 46 High Street, Bovingdon, Herts. I have considered the written representations made by you and by the Council and those made directly by the Parish Council to the Council which have been forwarded to me. I inspected the site on 17 July 1989.
2. From my inspection of the site and its surroundings and the representations made, I consider the main issue to be whether the proposal would be an over-development of the site having regard to its effect on the character of the area and provision of amenity space.
3. The representations refer to a number of policies in the approved Hertfordshire County Structure Plan 1986 Review. These policies encourage residential development in specified settlements including Bovingdon (Policy 50) to help meet the housing demand in the county. Low rise development is particularly favoured on small sites at as high a density as can be achieved compatible with a high standard of design (Policies 71 and 72) especially housing suited to the elderly and one and two person households. The development should be so designed as to conserve and enhance existing settlements and their essential character and quality of the environment, (Policies 47 and 48). The adopted Dacorum District Plan endorses these policies and states that proposals for development should pay particular attention to detailed environmental guidelines (Policies 18, 19, 64, 66).
4. In accordance with these policies the Council have accepted the principle of redevelopment of this site for wholly residential purposes including flats. I also note their 1987 approval for shops and flats which your client now considers is not viable. The Council are concerned though about the effect of your client's present scheme on the visual and general amenities and its detracting from the character of the area.
5. I saw that Bovingdon High Street is essentially of 2-storeys in scale with a mixture of architectural styles and ages of buildings in a fairly open, informal layout. Recent developments have respected this scale. Approval by the Council of the housing scheme on the adjacent site to the south-east has introduced a third storey into the street scene with residential accommodation in the roof space. The

1987 approval of shops and flats on this site also accepted in principle a similar design. I consider the impact of 3-storeys in the proposed scheme on the character of the village is lessened by using the roof space, by the lower floor to ceiling heights of modern development and by being set back in relation to the adjoining shop. I note that your elevation shown is for information only, but in my view it would be possible to design the building to respect the scale of the development either side and the village generally without causing undue harm to the mixed character of the area.

6. The depth of the proposed block would be a little greater than in the adjoining scheme but would not be particularly apparent from the road. A considerable proportion of the site would be taken up with car parking provision and access to meet the required Council's standards. The amenity space proposed at front and rear is not large but in my view would be just adequate to allow those residents who would wish to do so to sit out in relative seclusion. I am also mindful of Government advice that full and effective use is made of land within existing urban areas. In estate development functional requirements are for the most part a matter for developers and their customers. These requirements include internal space standards and provision of open space.

7. I do not consider therefore that your client's proposal would be an overdevelopment of the site. Its design concept is not dissimilar to the newer housing scheme to the south east. Building smaller units to a reasonably high density on a small site not incompatible with the character of Bovington in my judgement accords with the Development Plan policies to which I attach considerable weight.

8. I therefore propose to allow the scheme with conditions. The Council have suggested several and whereas the normal outline consent conditions would cover some, I propose to add those relating to planting to protect residents' and neighbours' amenities, and for highway safety reasons those relating to parking and access construction.

9. I have taken into account all the other matters raised in the representations including the references to the 2 nearby appeals but they do not alter my decision.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for the demolition of existing dwelling and erection of 6 flats and a maisonette with car parking and upgrading access at 46 High Street, Bovington, Herts in accordance with the terms of the application (No 4/1353/88) dated 12 July 1988 and the plan submitted therewith, subject to the following conditions:-

1.
 - a. approval of the details of the design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority;
 - b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;
2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

3. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping which shall include indications of all existing trees, hedgerows and boundary treatment on the land and details of those to be retained with measures for their protection in the course of development;

4. all planting, seeding or turfing comprised in the approved details of the landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation;

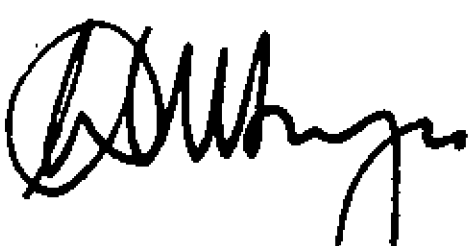
5. the building shall not be occupied until space has been laid out within the site in accordance with the plan attached for 12 cars to be parked and that area shall not thereafter be used for any purpose other than the parking of vehicles;

6. the building shall not be occupied until the proposed access has been constructed and the footway and verge have been reinstated to the current specification of Hertfordshire County Council and the satisfaction of the local planning authority.

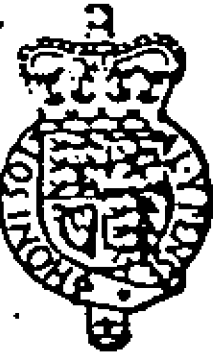
11. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

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

I am Gentlemen
Your obedient Servant



D G HAYES DipTP MRTPI
Inspector



Department of the Environment and
Department of Transport

Common Services

Room 1422 Tollgate House Houlton Street Bristol BS2 9 DJ

Telex 449321

Direct line 0272-218 927

Switchboard 0272-218811

Messrs Stimpsons Cruickshank
14A St Albans Road
WATFORD
Herts
WD1 1RX

Your reference
JN/LW

Our reference

T/APP/A1910/A/83/006930/PH2
Date

25 JAN 1984

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR D B REES
APPLICATION NO:- 4/0564/83

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum District Council to refuse outline planning permission for the erection of 21 flats at Honours Mead, Chesham Road-Howard Agne Close, Bovingdon. I have considered the written representations made by you, the council, the Parish Council and also those made by other interested persons. I inspected the site on 20 December 1983.

2. From my consideration of the written representations and from my inspection of the site and surroundings I have concluded that the main issues in this case are whether the scale and density of development is out of character with its surroundings, whether it would lead to traffic congestion in adjoining roads and whether it would, due to its siting, so detract from the amenity and privacy of adjoining dwellings as to justify refusal of the application.

3. In regard to the first issue I would accept that surrounding development is mainly either of bungalows, chalet bungalows or 2-storied houses. However while such development is typical of Bovingdon as a whole I noted that 3-storied blocks of flats exist at the northern end of Howard Agne Close. As these appear to be of fairly recent construction it must be assumed that not so very long ago the relevant planning authority did not consider that such development was necessarily out of character and this seems to me to be correct - for these buildings sit well amongst their surroundings and neither dominate nor conflict with the appearance of their smaller neighbours. In my opinion therefore it cannot reasonably be held that a form of 3-storied development on the site would necessarily be out of character with its surroundings and, given that the application is for outline approval only, I do not consider that the scale of development forms a reasonable ground for refusal - more especially since the proposed flats will, in any case, be surrounded by mature forest trees.

4. In regard to the question of density I would accept the council's argument that the development may well be nearly 4 times greater than that which surrounds it - when measured in dwellings per acre. However while much of the older adjoining development consists of single buildings set on relatively large plots newer developments, such as that which largely forms Howard Agne Close, consists of terraced housing on relatively small plots. Given therefore that the proposed flats are smaller dwellings than those in the Close I consider that it is extremely doubtful

whether the density in bedspaces per acre is larger in the proposed development than that which exists within the Close. Indeed, in my opinion, the reverse is probably more accurate and given that the scale of development has been found generally acceptable I consider that arguments about density are somewhat academic in that regardless of the facts of the matter the 'new' density would not, in its visual effect, appear to be so very different to that of much of its neighbours. Because of this I also consider that the density of development cannot be held to provide a reasonable ground for refusal.

5. In regard to my second issue I note that the Highway Authority have raised no objection to the proposal and in my view, while the development will lead to increased vehicular movement within Howard Agne Close, this is unlikely to lead to such congestion as to justify refusal of the application. Questions have been raised about the adequacy of parking arrangements for the development but given that the application is for outline approval only and, given the area of land available, I cannot foresee circumstances arising whereby any reasonable parking requirements put forward by the council should not be met. Consequently I do not consider that highway and related considerations do provide a reasonable ground for refusal.

6. In regard to my last issue I would accept that difficulties could be experienced in maintaining adequate and reasonable privacy within existing houses. However whilst the application plan gives an indication of the position of the flats it gives no information as to the detailed design. As I therefore consider that, possibly in conjunction with some slight adjustment to the layout, detailed design in regard to such factors as the position of windows, balcony screening and the like could ensure that no habitable room or balcony had a direct view into any adjoining house - Lymba and Honours Mead Cottage in particular - problems of unacceptable overlooking or loss of privacy need not necessarily arise. Given therefore that control of this feature of design will still rest with the council it seems to me that this last issue cannot reasonably be held to form a justifiable reason for refusal.

7. I have considered all the other matters raised in the written representations but have concluded that these lack sufficient strength to outweigh the considerations which have led to my decision.

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for the erection of 21 flats at 'Honours Mead', Chesham Road/Howard Agne Close, Bovingdon in accordance with the terms of the revised application (No 4/0564/83) dated 22 April 1983 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters') shall be obtained from the local planning authority;

b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;

2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:

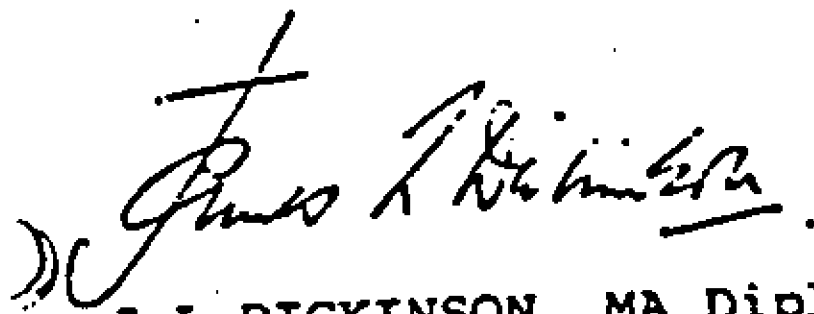
a. 5 years from the date of this letter; or

b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

9. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

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

I am Gentlemen
Your obedient Servant



J L DICKINSON MA Dipl Arch
Inspector

CERTIFICATE B

TOWN AND COUNTRY PLANNING ACT 1971
Certificate under Sections 27 and 36

I hereby certify that:

1 ~~*I have~~
~~*the appellant has~~ given the requisite notice to all the persons other

† See note (a) to
Certificate A.

than ~~*myself~~
~~*the appellant~~ who, 20 days before the date of the accompanying appeal, were owners †
of any of the land to which appeal relates, viz:—

Name of owner	Address	Date of service of notice
Mr J Barrance	46 High Street Bovingdon Herts	3/3/89
Hertfordshire County Council	County Hall Hertford Herts	3/3/89

ONE ONLY
of these paragraphs
(number 2) must be
deleted.

*2 None of the land to which the appeal relates constitutes or forms part of an
agricultural holding.

OR:—

*2 ~~*I have~~
~~*The appellant has~~ given the requisite notice to every person other than ~~*myself~~
~~*himself~~

~~who, 20 days before the date of the appeal, was a tenant of any agricultural holding any
part of which was comprised in the land to which the appeal relates, viz:—~~

(a) If you are the
sole agricultural
tenant, enter
"NONE"

Name of tenant (a)	Address	Date of service of notice
--------------------	---------	---------------------------

Signed

*On behalf of D B Rees (Builders) Ltd

Date 3/3/89

Dacorum District Plan

Policies 3, 18 and 19

REPRESENTATIONS

Bovingdon Parish Council

No objection

Director of Technical Services

(Drainage)

No drainage proposals shown, public foul sewer in High Street

County Surveyor

Comments awaited

CONSIDERATIONS - It is accepted that this site is capable of redevelopment and a scheme has been approved in outline form to provide two shops and three flats. There is no objection in principle to the redevelopment of the site for wholly residential purposes. However I am not convinced that the proposal as submitted overcomes the reasons for refusal of the previous application for eight flats. The number of units and the overall depth of building has been reduced. However the design of the building illustrated on the submitted plan shows a double pitched roof with a central valley necessitated by the depth of the building. The provision of 2½ units of accommodation within the roof slopes necessitates the suggested pitch, as the units are to be lit by Velux roof lights the steeply pitched roof will enable a better aspect from these rooms to be achieved. However the windows to the lounges on the second floor will look directly into each other which is a clear indication that there are too many units in the scheme. The building is located 1.5 m forward of the adjacent building and given the vertical emphasis and excessive bulk it will be visually dominant in the general street scene. The vehicular access has been improved by utilizing the existing access to the site, and parking is provided to meet the standards of the District Plan. However the amenity space at the rear is some 10 m in depth, reducing to 4 m adjacent to the access road. Notwithstanding the improvement to the access, I am of the opinion that the proposal is an overdevelopment of the site.

✓ RECOMMENDATION - That planning permission be REFUSED (on form DC4) for the following reasons:

1. The proposal represents a gross overdevelopment of the site which would affect adversely the visual and general amenities and detract from the character of the area.
2. In specified settlements development will be limited to that which is compatible with the maintenance and enhancement of their character. In the opinion of the local planning authority the absence of associated amenity space and the impact of the proposed development on the appearance of the village High Street would be contrary to

Polmer 47 - 48 of App.
the objectives of ~~Policy 15~~ of the ~~Approved County~~
~~Structure Plan.~~ *County Structure Plan*
* * * 1986 Renewal

ORTHOGATE
ACCURATE STAMPED
TO ENSURE DETECTION
BY SCANNER