

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr K Smith
26 Chipperfield Road
Bovingdon
Herts

Mr D Clarke
47 Gravel Lane
Hemel Hempstead
Herts

..... First floor extension to form flat

.....

at .. 26 Chipperfield Road, 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 5 September 1987 and received with sufficient particulars on 9 September 1987 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 proposed dwelling, due to its height, mass and design, is unsympathetic to the character of adjacent and nearby development and by reason of its prominent location would be detrimental to the amenities of surrounding properties and the environment of the locality.
2. The proposed development lacks any amenity space and the introduction of a residential unit within an industrial site would prove injurious to the occupants of the dwelling by way of general disturbance.

Dated 22 day of October 19 .. 87.

Signed *W. B. B. B. B. B.*

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.



**Department of the Environment
Department of Transport**

Common Services

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27 MAY 1988

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HEMEL HEMPSTEAD
Herts
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**CHIEF EXECUTIVE
OFFICER**

27 MAY 1988

File No.

Refer to *CPO*

Cleared *27/5*

Comments

Your reference

Our reference

T/APP/A1910/A/88/86535/P2

Date

24 MAY 88

22/10/88 Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR K SMITH
APPLICATION NO:- 4/1391/87

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for a first floor flat extension over an existing workshop at No 26 Chipperfield Road, Bovington, Hertfordshire. I have considered the written representations made by you and by the Council and Parish Council. I inspected the site on 21 April 1988.
2. From what I have seen and read I consider the main issue in this case is the impact the proposed extension would make on the appearance and character of the surrounding area.
3. The appeal site is on the outskirts of the village in a predominantly residential area although the industrial use of the site for the reclamation of waste metals has apparently been in existence for many years. The ground floor of the building over which the flat is to be constructed seems to be in use for a firm connected with printing. I accept that the proposed flat constructed with tile-hung walls and a pitched roof would be in keeping in design appearance with the surrounding dwellings. I also accept that due to the arrangement of the proposed fenestration direct overlooking of nearby properties would not occur and the oblique views that may be possible from the proposed bedroom window would be acceptable.
4. However, the existing workshop, although within the curtilage of the industrial site is set well forward of the general line of residential properties on this side of the road. In fact for some distance to the north-west and extending south-east in front of a small in depth development of houses there is a wide mown grass verge which seems to be the responsibility of the local authority and which in effect with the trees and shrubs in the adjoining gardens creates a rural character to the street scene. The industrial site projects into this grass area and while the existing flat roofed workshop is part of the general industrial compound and has to be accepted as such, the proposed flat would be entirely different. It would project well above the existing complex and emphasise the prominence of the industrial compound as an intrusion into the street scene. The bulk of the proposal would disrupt the open character of this part of Chipperfield Road and in my view would clearly be detrimental to the appearance of the street scene. As such the impact of the proposal would be adverse.



RECYCLED PAPER

5. I have also considered the immediate environment of the proposed flat. I accept that initially the flat is intended for occupation by your client's son but planning permission generally goes with the land. The proposed amenity parking space was at my visit occupied by a large portable building and the remainder of the yard was fairly full with material and vehicles being loaded or unloaded. A possible parking space outside the compound seemed to be occupied by a visitor to the printing firm. The general arrangement of the yard did not convince me that an acceptable amenity area could be created for the flat and if the space indicated was used for car parking by the flat occupier, access to it would be from the yard which at certain times could easily cause friction between work operations and the movement of the car. I am therefore not satisfied that either the flat or the proposed amenity/car parking space would be acceptably located in this industrial complex.

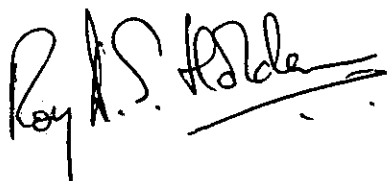
6. I have noted that a personal occupancy condition would be acceptable to your client. Occupancy conditions are always onerous if the situation or status of the appellant changes and in my view they are only justified if the need for the dwelling and its occupation by a particular person are essential. I am aware that a dwelling already exists on part of the site but in any case no evidence has been pleaded to support the essential need of the flat in order to overcome the planning objections to the proposal. In the circumstances I do not consider an occupancy condition would be appropriate.

7. I have taken account of all the other matters raised in the representations but they do not outweigh in my view the considerations that have led to my decision.

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

I am Sir

Your obedient Servant

A handwritten signature in dark ink, appearing to read 'Roy A S Holden', with a horizontal line drawn underneath the name.

ROY A S HOLDEN DipArch RIBA
Inspector