



**Department of the Environment and
Department of Transport**

Common Services

Room 1417 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 920
Switchboard 0272-218811

CHIEF EXECUTIVE
OFFICER

26 AUG 1986

File No.
Refer to ... *CPO 26/8*
Allocated

17809

Mr J R Shephard
J and J Design
5A Rose Lane
BIGGLESWADE
Bedfordshire SG18 0JT

Your reference				PLANNING DEPARTMENT	
8607/JRS/spc				DACORUM DISTRICT COUNCIL	
Our reference					
Ref.	T/APP/A1910/A/86/46984/P4				
C.P.O.	Date	D.P.	2	2 AUG 86	C.
					Admin. File
Received			26 AUG 1986		
Comments					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR J T SLATER
APPLICATION NO:- 4/1403/85

- As you are aware 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 the erection of a bungalow in the grounds of Bramley Cottage, Cow Lane, Tring, Hertfordshire. I have considered the written representations made by you, by the council and by interested persons. I visited the site on Tuesday 29 July 1986.
- From my visit and from the representations made I consider the main issues to be decided are whether the proposal would be materially harmful to the residential amenities of adjacent dwellings or represent a satisfactory form of development, having regard to the council's adopted planning policies for the area.
- The appeal site, the rear part of the garden to Bramley Cottage, is located on the south-west side of Cow Lane to the east of Tring. Bramley Cottage is one of a number of mixed residential properties on this side of the lane overlooking mainly undeveloped land to the north-east. The site is generally level and well screened from neighbouring properties except to the south-east where the boundary is more open. A driveway off Cow Lane serves the existing bungalow, which it is proposed to extend to the rear.
- In support of this appeal you contend that a new dwelling on the appeal site, part of the curtilage of Bramley Cottage, would assist home ownership and conform to Government aims within Circular 15/84. It is argued that the site is excluded from the Green Belt and its development as proposed would not intrude into open countryside, involve agricultural land or seriously affect the environment of the area or adjoining occupiers. The proposal you say, providing adequate garden sizes, would fit into any future layout for the area as a whole which would then provide a new access facility. Whilst the application indicates substandard access visibility splays, it is your view that this would be improved by locating the entrance towards the centre of the site. You outline the current position of the Hertfordshire Structure Plan Review and express the view that housing allocations suggested therein, imply significant amendments to the current Green Belt boundaries. Whilst there is uncertainty surrounding such changes, it is felt that this should not preclude the appeal proposals on land which is already excluded from the Green Belt. Furthermore, in this case you say, the existing garden exceeds the reasonable requirements of the appellant and it is likely to become neglected and harmful to the local amenity. It is also argued that development of the appeal site alone would not prejudice the future comprehensive

development of the area and in accordance with advice within Circular 22/80 and 14/85, you consider that permission should be granted.

5. The council state that the appeal site lies within the urban area of Tring and the principle of residential development in the locality, or the ability of the site to accommodate the bungalow, is not disputed. It is pointed out, however that the land lies behind existing development where policies 18 and 66 of the Dacorum District Plan provides a basis of control of back land development. The council's approach is founded on comprehensive schemes that enable the introduction of proper standard access roads for passage of service and private vehicles without harm to the amenities of new and existing residents. In this case it is considered that the proposal is a piecemeal development which would be detrimental to the amenities and privacy of adjacent dwellings and if allowed would lead to other similar developments resulting in an arrangement of plots having no relation with each other. Such a development the authority say, would be out of character with the surrounding environment and amenity, unacceptably adding to the number of separate access points onto Cow Lane. It is also pointed out that the application fails to provide adequate visibility splays within the control of your client.

6. The appeal site, the rear part of the large garden area to Bramley Cottage, lies in a residential area where, in land use terms, there would appear to be no objection to the erection of a dwelling in this location. Whilst new development at the rear of existing dwellings, as stated in Development Control Policy Note No 2, may be usefully undertaken if conditions are right, such development nevertheless can and often does have an unacceptably harmful effect on the environment of others already living in the neighbourhood and should be resisted.

7. In this case your client's proposal would result in a long access way off Cow Lane, jointly used by future occupiers of Bramley Cottage over a substantial part of its length. The use of such a driveway by traffic likely to be generated by this proposal, both domestic and service, would undoubtedly be a source of disturbance to occupiers of Lane Side, making the property a less pleasant place in which to live, particularly the rear garden which would be affected over its entire length. Furthermore this traffic, even if reduced by the provision of refuse collection and post box points near to the highway, would pass close to the existing bungalow and despite intended internal modifications, would I believe be the source of nuisance to future residents. I also observed during my visit that visibility available to the left, for drivers leaving the site, is restricted. Whilst this may be improved by repositioning the access point towards the centre of the site, I am not entirely convinced that it could be achieved without detriment to the outlook and appearance of the existing bungalow.

8. I have formed the firm opinion therefore, that your client's proposal would give rise to an unsatisfactory form of access, possessing most of the disadvantages which are usually associated with piecemeal development at the rear of existing dwellings.

9. Turning now to the suitability of the development proposed, having regard to the overall aims of current adopted policies for backland development. Clearly ample opportunity exists for development within the large rear gardens and land at the rear of dwellings in Cow Lane and nearby, with potential for undesirable proliferation of separate and often unsatisfactory access points within the residential frontage. It would seem to me therefore, that there is merit in the council's Local Plan policies which aim at providing high standard access roads serving a number of dwellings and should be supported.

10. In the circumstances of the appeal site I can accept that the proposed development may not be seriously prejudicial to achieving satisfactory comprehensive development of the area and that a development of adjacent land could provide alternative access to a bungalow on the appeal site. However in the absence of such a scheme at the present time, or knowledge of when one is likely to be undertaken, I do not consider that the proposed access can be regarded as either temporary or acceptable for the time being.

11. It is my overall conclusion that there are clear and demonstrable planning objections to your client's proposal which overrides the normal presumption in favour of development outlined within Circulars 22/80 and 14/85. In addition I believe that this development would be in conflict with objectives of adopted council policies for backland development and could lead to pressures for the similar development of adjacent land. I can understand your client's personal reasons for wishing to build on his land but in my view, this is not sufficient reason for allowing what I consider to be an unsatisfactory form of development.

12. I have taken account of all the other matters raised, including possible local housing need and the effects of Structure and Local Plan Reviews but they are not of sufficient weight to alter my decision.

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

I am Sir
Your obedient Servant



G S WEBB CEng MICE
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mr. J. T. Slater
3 The Crofts
Hemel Hempstead
Herts

..... Bungalow
.....
at Bramley Cottage, Cow Lane, Tring.
.....

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 6.11.85. and shown on the plan(s) accompanying such application..

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

- (1) Having regard to the shape and size of the site and its relationship to adjoining properties, the proposal constitutes a form of piecemeal development out of character with the semi-rural environment and amenity of the area.
- (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 proposal does not provide for adequate visibility splays within the control of the applicant at the junction of the proposed access road and Cow Lane.

Dated 8th day of January 1986.

Signed.....



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.