

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

RB

DACORUM BOROUGH COUNCIL

To MR & Mrs D G Evans
57 Mill Road
Crowle
Scunthorpe South Humberside

Collett Design Arch'l Consultants
17 Collett Road
Hemel Hempstead
Herts

Replacement dwelling.....

at... 'Woodlands' 108 Scatterdells Lane
Chipperfield. Herts

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 12.11.85 and received with sufficient particulars on 12.11.85 and shown on the plan(s) accompanying such application.

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

- (1) The proposed development is at variance with Policy 6 of the Dacorum District Plan which provides that replacement dwellings where permitted should be of similar size to that which is replaced, and should be no more intrusive in the landscape.

Dated 17th day of December 1985

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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.

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JE



Department of the Environment and Department of Transport

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DACORUM DISTRICT COUNCIL

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CHIEF EXECUTIVE
OFFICER

24 SEP 1986

File No.

Ref. CPO 24/9

Cleared

Collett Design
17 Collett Road
HEMEL HEMPSTEAD
Hertfordshire
HP1 1HY

Ref.				Ack.	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received				24 SEP 1986	
Comments					

Your reference

85/1023/A1

Our reference

T/APP/A1910/A/86/045817/P3

Date

23 SEP 86

17935

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR & MRS D G EVANS
APPLICATION NO:- 4/1432/85

1. I have been appointed by the Secretary of State for the Environment to determine your clients' appeal against the decision of the Dacorum Borough Council to refuse planning permission for the demolition of dilapidated bungalow and the erection of new dwelling at 108 Scatterdells Lane, Chipperfield. I have considered the written representations made by you, by the Borough and Parish Councils and also those made by interested persons. I inspected the site on 23 July 1986.

2. From my inspection of the site and surroundings and consideration of all the written representations, it is my opinion that the principal issue in this appeal is whether or not the development proposed conflicts unacceptably with the policy governing replacement dwellings in the green belt.

3. The village of Chipperfield is an attractive, essentially loosely-knit, settlement situated in the Metropolitan Green Belt. Scatterdells Lane is a long, meandering lane in the northern part of the village. It is of single-width with no footpaths but it contains innumerable trees and bushes along its length. Even though there are houses of varying styles and sizes on either side until Scatterdells Wood is reached, the lane has an almost rural character.

4. The appeal site is almost at the bottom of the lane, on its southern side. It is a long, narrow plot bounded by hedges on all sides apart from that fronting the lane. An existing single-storey dwelling is situated some considerable distance from the road. Although not derelict, it is a poor state of repair. I can thus understand your clients' desire to replace it with a new dwelling. However, the replacement dwelling is some 158 sq m in size compared with 110 sq m of the existing house. The extra accommodation is for the most part to be in the roofspace. The council considers the scheme conflicts with Policy 6 of the Dacorum District Plan. This policy, amongst other things, permits replacement dwellings within a group of dwellings in the green belt although the new built dwelling should be of a similar size to that which it replaces. Additionally, the new dwelling should not be more intrusive in the landscape. I note that when outline planning permission was granted for a dwelling on the site in 1982, a condition was attached limiting the floorspace to 110 sq m.

5. Such a policy I consider to be equitable and pragmatic, recognising as it does the existence of residential uses of longstanding in the green belt.

I regard also the requirement that the new dwelling should be of about the same size to be a reasonable one. Some locations could be so sensitive and obtrusive that, say, a large new house in place of a small cottage could have an adverse effect on the appearance of the countryside. However, I do not consider this to be the case with your clients' proposal.

6. The new dwelling would be sited well back from the road and is of such a design that the extra floorspace would, in my opinion, have little effect on the appearance of the area. Other dwellings nearby are larger and some have been extended. For all its semi-rural appearance the lane is escapably part of the village. In my opinion, to allow the erection of the proposed house would cause no harm to Policy 6. To apply the policy so rigidly in situations such as this takes no account of the surroundings.

7. The council has given no indication as to what conditions it deems fitting to this development. However, I have considered, where appropriate, the conditions attached to the outline approval in 1982. A turning space already exists. Apart from the hedges, there appear to me to be no trees of any significance within the site which would warrant a condition requiring their protection. I consider the removal of permitted development rights to be unnecessary in this situation; and as the new house is to be built on the site of the existing dwelling, which is to be demolished as stated on the submitted drawings, I regard a condition requiring demolition also to be unnecessary. However, as the details of facing bricks and tiles have not been specified, a condition covering these points is essential. I have considered also all other matters raised in the representations, but none are sufficient to outweigh the planning considerations leading to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the demolition of dilapidated bungalow and the erection of new dwelling at 108 Scatterdells Lane, Chipperfield in accordance with the terms of the application (No. 4/1432/85) dated 12 November 1985 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun not later than 5 years from the date of this letter.
2. Before development begins, the details of the external finishing materials shall be agreed with the local planning authority.

9. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fails to give notice of its 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



TREVOR COOKSON DipTP MRTPI
Inspector