

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

Other  
Ref. No. ....

THE DISTRICT COUNCIL OF DACORUM  
IN THE COUNTY OF HERTFORD .....

To Mr. A. Kelly  
395 Barnacres Road  
Kemel Hampstead  
Herts

Change of use from one to two dwellings

at 10 Bradden Lane, Gaddesden Row

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 6 November 1981 and received with sufficient particulars on 22 November 1981 and shown on the plan(s) accompanying such application. (as amended 5 January 1982).

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

1. The site is within a rural area beyond the Green Belt on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) and Sacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. The increased traffic likely to be generated by the proposed development would be a potential hazard on the adjacent highway, particularly in the absence of any visibility sight lines.

Dated 7 day of January 1982

Signed Chris Ransford  
Designation Chief Planning Officer

#### NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.

C/460/AJT/P



**Department of the Environment**

Room 1320

Tollgate House Houlton Street Bristol BS2 9DU

Telex 449321

PLANNING DEPARTMENT  
DACORUM DISTRICT COUNCIL

Ref.

Ack

C.P.O.

D.P.

D.C.

B.C.

Admin.

File

Received

21 APR 1982

Direct line 0272-218 870  
Switchboard 0272-218811  
GTN 2074

Your reference

Our reference

T/APP/5252/A/82/01591/G6

Date

19 APR 1982

K Kelly Esq  
395 Barnacres Road  
HEMEL HEMPSTEAD  
Herts

CHIEF EXECUTIVE  
OFFICER  
20 APR 1982

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:- 4/1465/81

4881

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the change of use from one dwelling to 2 dwellings, and construction of vehicular access, at 10 Braden Lane, Gaddesden Row.
2. From my inspection of the site and surroundings on 29 March 1982, and from my consideration of the written representations made by you, the local planning authority and Great Gaddesden Parish Council, I am of the opinion that the decision in this appeal rests primarily on whether the erection of an additional dwelling would detract from the rural character of the area, bearing in mind the council's planning policies for residential development, whether the proposed conversion would provide 2 houses of adequate size, and whether the formation of an additional vehicular access would cause a road safety hazard.
3. The attractive 4 bedroom house subject to this appeal has resulted from the modernisation and extension of an old house (after the demolition of a shop) on a small plot of land in the hamlet of Jockey End. However if the appeal were to be allowed it is your intention to enlarge the existing garden by purchasing some additional land with a depth of about 10 m which is at present part of the adjoining field at the rear.
4. Permission was granted for the extension to the house in 1980, together with permission for the erection of a new detached house (not yet built) to replace an old meeting hall (now demolished) on an extremely restricted site on the southern side. These permissions were granted after a previous application for 3 dwellings had been refused in 1979 on the grounds that the development would be excessive on the site as it would not provide the necessary amenity and parking space, although it is not clear from the council's statement whether there were also any objections on planning policy grounds, or whether that proposal envisaged the incorporation of additional land at the rear (though I presume it did not as the new detached house that was later permitted apparently did not have this advantage, which I understand you now intend to provide).
5. In effect your proposal is to make a separate dwelling of the 2-storey side extension, which extends to only 4.9 m by 5.15 m, that was permitted to the existing house. A new, separate vehicular access would be provided to 2 new parking spaces. The application apparently also originally included a proposal for a further extension, but this was subsequently deleted.

6. In refusing the proposed additional dwelling, the council consider that it would be contrary to their planning policy for the area as Jockey End is not a settlement where further residential development is considered appropriate, unless it is required for agriculture or some other use of the land which does not apply in this case. In my opinion there is substance in this objection, as to grant permission for a new dwelling would further erode the rural character of the area. Moreover to allow a newly erected extension, permitted specifically to improve the facilities of an existing dwelling to be converted into a separate house would undermine the Council's ability to exercise proper control over other such proposals

7. The loss of the accommodation for use with the present house would leave it with a very small living room - a deficiency which, inter alia, the extension overcame - and would be likely to lead to a further application to enlarge the remaining living space by an additional extension at the rear. Furthermore the new separate dwelling would be extremely small for a semi-detached house unless it too was extended, as you apparently appreciated when you made the original proposal subject of this appeal. The end result would be 2 unsatisfactory dwellings unless considerable further enlargement of the house as it formerly existed took place, and the council's policy to restrict residential development in this area, with which I see no cause to disagree, would thus have been circumvented by other means.

8. I would accept that a new vehicular access could probably be created near the northern end of the site so that it would be possible to see round the sharp bend in the road, but any additional residential traffic turning on and off the very narrow lane at this point would be likely to cause a hazard to other road users, and reinforces my view that the sub-division of the existing house would not be a satisfactory form of development.

9. I note that you have had difficulty in selling the house since you modernised and extended it, but this may have been because of the extremely small garden for a house of this size and quality, which does not offer any proper private amenity area. It is not clear from your evidence whether the possibility of additional land being acquired to overcome this problem has been drawn to the attention of potential purchasers, but I find it difficult to think of any other reason why such a pleasant, well-equipped, detached dwelling should have proved so difficult to dispose of, assuming the price was reasonable.

10. I have examined all the other points raised in the written representations, including your reference to another dwelling in Gaddesden Row that has been subdivided, but it appears that it had been 2 cottages in the past, and there is nothing else of sufficient substance to outweigh those points that have led me to my decision that it is necessary to refuse permission for your proposal.

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

I am Sir  
Your obedient Servant



J M DANIEL DFC FBIM  
Inspector