

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning Ref. No. 4/1476/81

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Alath Construction Ltd
John C'Gaddesden House
Little Caddesden

Mr A E King BA (Hons) BPL MRTPI
4 Isenburg Way
Grovehill
Henel Hempstead

Six one-bedroom and six two-bedroom dwellings
at Land at Fieldway, Wigginton

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 20 November 1981 and received with sufficient particulars on 20 November 1981 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 site is within the Metropolitan Green Belt in the approved Hertfordshire County Structure Plan and the dacorum District Plan. within the green belt permission will not be given, except in very special circumstances, for development other than that required for the purpose of agriculture, small scale facilities for participatory sport and recreation or other essential purposes appropriate to a rural area. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. In the absence of any evidence to show that this development is essential in order to provide local facilities for meet service needs in Wigginton, the proposal does not meet the requirements of District Plan Policies 4 and 5.
3. The proposed development would represent over-development of this particular site, affect adversely visual and general amenities and detract from the character of the area.
4. Insufficient attention has been paid to the architectural style and detail of existing surrounding properties and the design of the proposed dwellings.

Dated 4 day of February 1982

Continued over

Signed [Signature]

Designation Chief Planning Officer

is below the standard required for this site and would be detrimental to the visual amenities of the locality.

5. The location of the car parking area and drying facilities would seriously affect the amenities and privacy at present enjoyed by occupants of adjacent dwellings.

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.

D/4/7/DJN/P



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

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL				
Ref.	JW/T 2			
C.P.O.	D.P.	B.C.	Admin.	File
BS2 9DJ		10 JAN 1983		
<i>Return to MS RN Completed report</i>				

Your reference

4/1476/81

Our reference

T/APP/5252/A/82/07477/G5

Date

6 JAN 1983

Mr Andrew King BA MRTPI
4 Isenburg Way
HEMEL HEMPSTEAD
Herts
HP2 6NQ

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY ALATH CONSTRUCTION LIMITED
LOCAL PLANNING AUTHORITY APPLICATION NO: 4/1476/81

- I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to refuse planning permission for 6 one-bedroom and 6 two-bedroom dwellings together with 22 parking spaces and the formation of road access thereto on land at Fieldway, Wigginton. I held a local inquiry into the appeal on 25 November 1982.
- The appeal site is located in the Chiltern hill-top village of Wigginton which lies about 1½ miles to the south-east of the small town of Tring. The western boundary of the site, which is about 0.53 acre in extent, abuts onto the cul-de-sac road Fieldway and the northern boundary onto the narrow lane known as "The Bit". Some 10 semi-detached houses erected at the turn of the century, and a coach and bus depot on the eastern boundary of the appeal site, obtain their only access from "The Bit". The carriageway of "The Bit" does not connect to Fieldway. A footpath on the opposite side of Fieldway to "The Bit" continues westwards to a primary school.
- From the representations made at the inquiry, and my inspection of the appeal site and its surroundings, I am of the opinion that the main issues in this case are whether or not the proposed development would firstly, be appropriate in an area where special concern is felt for the need to contain urban sprawl, for safeguarding the countryside from encroachment, and for the restraint of growth generally and, secondly, would relate satisfactorily to its surroundings in form, layout and design.
- On the first issue it was common cause between the parties that the appeal site was located in the "core" of the village of Wigginton which I understand has a population of about 1,000. It was also common cause that Wigginton is named in Policy 5 of the deposited Dacorum District Plan as a village within the Metropolitan Green Belt where planning permission may be granted for small scale residential development within the main core of the village. Bearing in mind the stated purposes of a Green Belt, as set out in Circular 42/55, I would accordingly not consider some form of residential development on the appeal site would be inappropriate.
- On the other hand I find no reason to question generally the submissions of the council to the effect that the objects of the Hertfordshire Structure Plan and the deposited Dacorum District Plan are to restrain growth generally throughout

the area covered by both plans, and to direct such growth as may be appropriate to the main urban areas. In my opinion the policies in the deposited Dacorum District Plan should be afforded due weight in view of the long road it has already travelled to final adoption. From the evidence before me I am not satisfied that 12 "starter" homes for small households are required in Wigginton to serve the housing needs of agriculture, forestry and leisure which cannot practicably be located elsewhere and thereby conform with Policies 4 and 5 of the deposited Dacorum District Plan.

6. Turning now to the second issue you submitted that the general form of the development would be like that of flats with a residents' association responsible for the maintenance of the whole of the site outside the houses. In my opinion this form of development is more appropriate to an urban setting rather than a rural village such as Wigginton. Furthermore I consider that in a village setting in particular it is important that each household should have some form of private garden for rest and recreation.

7. On the layout of the proposed development it seems to me that the amenities of the occupants of the bungalow "Pollywyck" would be particularly adversely affected by the proposed development. The clothes drying area would be in full view from the kitchen/dining room window in the front of that bungalow. Moreover as the car parking area for 22 cars would abut almost the full length of the side boundary of the curtilage of the bungalow, I consider it would give rise to a degree of noise and disturbance above the level of quiet that the occupants of that dwelling could reasonably be expected to enjoy. Furthermore it seems to me the car parking area within about $1\frac{1}{2}$ m of the 2 most southerly of the 2-bedroomed houses would cause noise and disturbance thereto.

8. On the design of the proposed dwellings it seems to me that their appearance would be unsatisfactorily dominated by the 12 very large dormers and the 12 chimney stacks protruding out of the comparatively shallow pitched roofs.

9. Turning now to the matter of access to the proposed development it seems to me that the screen walls to the drying area would obscure the visibility of drivers of vehicles leaving the parking area. Furthermore I am not satisfied that an adequate visibility splay could be obtained at the entrance to the car parking area at the position proposed within the land under the control of the appellant. Whereas pedestrian access would be primarily from "The Bit" it seems to me that the buses and coaches using this narrow lane cause serious hazards to pedestrians. Furthermore it seems to me that the occupants of the 4 houses fronting onto "The Bit" would be likely to park their cars in "The Bit" rather than in the parking area. This in my opinion would cause additional traffic hazards and congestion in "The Bit" which is without a turning head at its western end where it adjoins Fieldway.

10. Whereas I accept that there is an identified need for housing for small households - generally I conclude, on balance, that the proposed development would not be appropriate on this site and would not relate satisfactorily to its surroundings in form, design and layout.

11. I have taken into account all other matters raised at the inquiry, including the decisions on appeals in respect of residential development on the appeal site in 1975 and 1979 to which my attention has been drawn. In my opinion none of these other matters are of sufficient strength to outweigh the considerations that have led to my decision.

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

I am Sir
Your obedient Servant

W D Woodall.

W D WOODALL FRICS FRTPI
Inspector