

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

AJP

DACORUM BOROUGH COUNCIL

To Paul Archard
6 Birkett Way
Chalfont St Giles
Bucks

R A Quirk FFS
27 Chartridge Lane
Chesham
Bucks HP5 2JL

Four Flats - Outline

at Adjacent Greenhill Court, Beechfield Road,
Hemel Hempstead, Hertfordshire

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 27th November 1985 and received with sufficient particulars on 2nd December 1985 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 would involve the removal of a number of mature trees from this prominent wooded site, the subject of a Tree Preservation Order, which at present makes a valuable contribution to the character and amenity of the area.
- (2) The proposed development would result in the creation of an unsatisfactory residential environment by reason of its proximity to numerous well-established trees and the resultant overshadowing effect.

Dated 12th day of February 19 86..

Signed..... 

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 and
Department of Transport**

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CHIEF EXECUTIVE OFFICER	
30 JAN 1987	
File	Ref
Cons	C.P.D.
Checked	

Your reference

Our reference NG DEPARTMENT
T/APP/A1910/A/86/048045/P4

Date

29 JAN 87

Ack.

D.P.

D.C.

B.C.

Admin.

File

Received

30 JAN 1987

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY PAUL ARCHARD
APPLICATION NO: 4/1508/85

1. As you know 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 4 flats with garages on land adjoining Greenhill Court, Beechfield Road, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 4 December 1986.
2. From my inspection of the site and surroundings and from the representations made I consider that the main issue in this appeal is whether your client's proposal would cause unacceptable harm to the appearance of the locality.
3. The appeal site lies on the east side of Beechfield Road which in the vicinity of the appeal site is fairly straight running north south on the floor of a valley. The housing on both sides of the road to the south of the appeal site is relatively modern whilst that to the north of the appeal site is rather older and clearly predates the designation of the larger area within which the appeal site lies as being within the then Hemel Hempstead New Town.
4. The appeal site lies immediately to the south of a block of some 6 flats owned by your client and set well back from Beechfield Road. This block was clearly built within a copse and there are a number of trees between the block of flats, Greenhill Court, and the road as well as on the appeal site. In my opinion these trees make a positive contribution to the street scene.
5. It is the policy of the council as set out in the Dacorum District Plan which was adopted in January 1984 to encourage residential development within the major urban areas of inter alia Hemel Hempstead and to give consent for such residential development on small sites within the urban area of the town provided that the proposed development conforms with the environmental guidelines as set out in the plan. These guidelines are concerned with siting, landscaping and design of new buildings rather than the retention of existing features on a development site. Policy 3.32 of the plan however emphasises the need to protect trees particularly when they are threatened by development.
6. Trees on the appeal site and in front of Greenhill Court are protected by a Tree Preservation Order dating back to 1954. Greenhill Court was built

pursuant to a 1963 planning permission and doubtless its construction involved the removal of a number of protected trees.

7. Were it not for the presence of the trees on the appeal site the appeal site would in my view be ideal for the development your client proposes as firstly it is located within the urban area of Hemel Hempstead where residential development such as your client proposes is encouraged and secondly it is of a sufficient size to enable the development your client proposes to be constructed in accordance with the council's environmental guidelines. It is also in my view of importance that the proposal does not involve development at a higher density than that of the surrounding area.

8. I have therefore carefully considered whether the benefit to be gained from your client's proposal would outweigh the inevitable loss of trees on the appeal site were the proposal to be allowed. Although the application was for outline consent only a drawing has been submitted showing the siting of the proposed block of flats as being somewhat forward on the site to Greenhill Court but not so far forward as to interfere with the trees on the southern and eastern boundaries of the appeal site. There would also be a significant number of trees remaining behind the proposed block of flats and on a level with Greenhill Court.

9. I have come to the conclusion that the development you propose could be accommodated on the site in the manner outlined by you with the retention of the trees as set out in the previous paragraph. In my view although this would involve loss of trees from the centre of the appeal site and of the larger area incorporating Greenhill Court and the appeal site those trees on the perimeter of the larger site would remain and in particular the view of the larger area from the south and from the west would not be materially affected. In other words in my opinion the wooded boundary of the site to the footpath on the south and to the road on the west would remain as an attractive feature of this part of the town.

10. I have considered all the other matters raised in the representations but these are not sufficient to outweigh those factors which have led me to my decision.

11. For the above reasons and in exercise of the powers transferred to me, I hereby allow this appeal and grant outline planning permission for the erection of 4 flats with garages in accordance with application No. 4/1508/85 dated 27 November 1985 and the plans submitted therewith subject to the following conditions:

1.
 - a. approval of the details of the siting, design and external appearance of the block of flats, the means of access thereto and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the local planning authority;
 - X b. application for approval of reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;
2. the development hereby permitted shall be begun on or before whichever is later of the following dates:
 - a. 5 years from the date of this letter;