



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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DN
AM
CB

Director of Planning
Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts
HP1 1HH

Your Ref: 4/1538/93-EN

Our Ref:
APP/C/93/A1910/630944

Date: 20 May 1994

For the attention of Louise Kirkpatrick

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) - SECTION 174
APPEAL BY I S POOLE
LAND AT LIZAIN HOLDINGS, DELMAREND LANE, FLAMSTEAD, HERTS.

Please find enclosed a copy of the withdrawal letter as discussed.

Yours faithfully

MRS K M TAYLOR
CASE OFFICER

DACORUM BOROUGH COUNCIL						
F.	D.P.	T.C.P.M.	D.P.	EC	Admin.	Env.
			<input checked="" type="checkbox"/>			
			TS	LK		
Received		23 MAY 1994				
Comments		Not needed! yes it was!				

Registers done ✓



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North Crook Planning Ltd
The Former Brewery Tap
3 Shirburn St
Watlington
Oxon
OX9 5BU

Your Ref:
MSC/JMM/02/93
Our Ref:
APP/C/93/A1910/630944

Date: 10 March 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) - SECTION 174
APPEAL BY MR I S POOLE
LAND AT LIZEAIN HOLDINGS, DELMAREND LANE, FLAMSTEAD, HERTS

1. I refer to the above-mentioned appeal against an enforcement notice served by Dacorum Borough Council.
2. In exercise of the power in section 173A(1)(a) of the Act, the Council have withdrawn the enforcement notice and it is understood you have been notified accordingly. The Secretary of State will therefore take no further action on the appeal. The local inquiry arranged to be held at the Civic Centre, Hemel Hempstead on Tuesday 26 April 1994 has accordingly been cancelled.
3. Any fee paid will be refunded as soon as possible.
4. A copy of this letter has been sent to the Council, who should refund any fee paid to them.
5. Please note that all correspondence and any queries should be addressed to the case officer.

Yours faithfully

MISS K SMITH

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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							
Ref.					Ack.		
D.P.	T.C.P.M.	D.P.	<input checked="" type="checkbox"/> D.C.	D.C.	Adm.	Fin.	
			<i>TS</i>	<i>LR</i>			
Received					23 MAY 1994		
Comments <i>Fee of £60</i> <i>refunded 20-6-94.</i>							

**IMPORTANT - THIS COMMUNICATION AFFECTS
YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning
and Compensation Act 1991)**

**ENFORCEMENT NOTICE
(OPERATIONAL DEVELOPMENT)**

ISSUED BY: DACORUM BOROUGH COUNCIL

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

Land at Lizeain Holdings, Delmerend Lane, Flamstead, Hertfordshire shown edged red on the attached plan.

3. THE BREACHES OF PLANNING CONTROL ALLEGED

Without planning permission:-

- (i) the erection of a wooden stable structure (shown yellow on the attached plan)
- (ii) the erection of a boundary fence and gates exceeding 1 m high adjacent to a highway (shown blue on the attached plan)

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years.

The site is within the Metropolitan Green Belt on the adopted Dacorum District Plan and the Deposit Draft Dacorum Borough Local Plan, wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. There is no agricultural or other proven need for the stable building and boundary fencing.

With regard to the building which has been erected, it does not constitute agricultural permitted development. At the time of inspections of the property there was no observed agricultural activity at the site. This building is unrelated to the rural needs of the area and is contrary to the objectives of Green Belt Policy.

The stable building, fence and gates also fail to improve the character and appearance of the landscape. The site is located in a landscape development area on the Dacorum Borough Local Plan Deposit Draft wherein development proposals are only permitted where they result in improvements to the landscape. The stable building, fence and gates detract from the character and appearance of the area.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Demolish the stable building and remove from the site all rubble and debris resulting from the demolition.
- (ii) Restore the site to the condition as it was prior to the erection of the stable building.
- (iii) Remove the boundary fence and gates.

Time for compliance: Six months after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 2nd November 1993 unless an appeal is made against it beforehand.

Dated: 21st September 1993

Signed: Karl M. Pugeley
Director of Law and Administration

on behalf of: Dacorum Borough Council
Civic Centre
Marlowes
Hemel Hempstead
Herts HP1 1HH

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 2nd November 1993. The enclosed booklet "Enforcement Notice Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 2nd November 1993 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council. On conviction, a fine of up to £20,000 may be imposed by the Magistrates' Court or an unlimited fine by the Crown Court.

6.93/ENF.NT(1)/LIZEAIN/RH/DD/BS.11



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Mr K Taylor
39 Tring Road
WILSTONE VILLAGE
Herts
HP23 4PE

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					
Ack.					
Ref.	DCP	T.C.P.M.	D.P.	D.C.	P.C.
Received 26 APR 1994					
Comments					

Your Reference:
RH/TC/2447/447
Council Reference:
4/1539/93EN
Our Reference:
T/APP/C/93/A1910/630993

Date: 25 APR 94

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
LAND AND BUILDINGS AT 39 TRING ROAD WILSTONE VILLAGE

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against an enforcement notice issued by the Dacorum Borough Council concerning the above land and buildings. I have considered your written representations and those made by the Council and interested persons. I inspected the site and its surroundings on 14 March 1994.

THE NOTICE

2. (1) The notice was issued on 1 October 1993.
- (2) The alleged breach of planning control is:-
Without planning permission, the erection of a porch of gabled construction on the front elevation of the dwellinghouse.
- (3) The requirements of the notice are:-
 - (i) Demolish or dismantle the porch and remove all resultant rubble and debris from the site.
 - (ii) Clean and make good all facing brickwork on the front elevation of the dwellinghouse to which the porch was previously attached.
- (4) The period for compliance with these requirements is 6 months.



GROUNDS OF APPEAL

3. Your appeal is proceeding on grounds (a) and (f) as set out in Section 174(2) of the 1990 Act as amended by the Planning and Compensation Act 1991. That is to say:- planning permission ought to be granted for the development that has taken place; and the steps required by the notice to be taken exceed what is necessary to remedy any injury to amenity which has been caused by the breach.

THE APPEAL ON GROUND (a)

4. The Hertfordshire Structure Plan and the Dacorum District Plan aim to conserve the character of Conservation Areas; and the more recent Borough Local Plan Deposit Draft acknowledges the statutory duty of paying special attention to the desirability of preserving and enhancing the character or appearance of such areas.

5. Against this background I consider that the main issue for me to decide is would the retention of the porch harm the character and appearance of the Wilstone Conservation Area.

6. The Conservation Area is centred on the main village street with off-shoots along New Road and Chapel End Lane. Beyond the open setting of the war memorial, at the south-eastern end of Tring Road, the street narrows and becomes progressively more enclosed by buildings. A pinch-point at the north-western end of the street, as the road turns to leave the village, is framed by the roadside terrace which contains your home.

7. This terrace consists of some 13 dwellings, originally built in red bricks with contrasting buff brick banding. Almost half of the dwellings now have painted or rendered facades, and some have added small front porches.

8. The porch has a gabled roof construction, at a right angle to the main house roof. In my opinion this arrangement interrupts the simple lines of the terrace and appears out of place in relation to the lean-to roofs of other porches which the Council have favoured. As such it forms a jarring and uncharacteristic addition to the street scene.

9. The walls of the porch have been built with old stock bricks which you chose to maintain the look of the cottages. In my opinion these bricks clash with the white painted elevation of the property, and they appear much lighter than the deep red brickwork of adjacent dwellings. The lack of contrasting coursing is also a notable omission. Because of these marked differences the porch stands out against the terrace group.

10. Drawing together my findings on the main issue, I consider that the porch, because of its roof design and the colour of its brickwork, appears seriously out of place at a focal point in the street scene. This brings me to the conclusion that the retention of the porch in its current form would cause significant damage to the locality and thereby harm the character and appearance of the Wilstone Conservation Area as a whole.

11. I have taken full account of the letters of support for the porch from your neighbours, and the indication of widespread backing from other villagers. I have also noted that you built the porch on the understanding that planning permission was not required. Whilst I appreciate that you have spent a lot of time and money on the project, neither of these factors change my views on the appearance of the porch. The appeal on ground (a) fails.

THE APPEAL ON GROUND (f)

12. You have suggested that the roof could be changed to match other porches on the terrace, and the Council has indicated that a lean-to roof would be more appropriate. Whilst I see no reason why the roof could not be modified it is inappropriate for me to devise a form of words to cover the situation, as it is especially important that detailed drawings should be available for scrutiny for development proposals within Conservation Areas. You also intend to re-paint the cottage to match the colour of the porch and to blend with no 41. In my opinion, this would not overcome the objection to the appearance of the bricks themselves.

13. Given the confirmed objections to both the roof design and the walling material, I find that the requirements of the notice are the minimum necessary to remedy the injury to visual amenity. As the notice allows 6 months for compliance, I am satisfied that there is ample opportunity for you to talk to the Council about possible modifications to the roof and the painting of the bricks to an agreed colour as part of the re-decoration of the cottage. Thus, the appeal on ground (f) also fails.

14. I have given careful thought to all other matters raised, but none is sufficient to change my conclusions on any part of your appeal.

FORMAL DECISION

15. For the above reasons, and in exercise of the powers transferred to me, I dismiss your appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under Section 177(5) of the amended Act.

RIGHTS OF APPEAL AGAINST DECISION

16. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against my decision to the High Court are enclosed for those concerned.

Yours faithfully

David M H Rose

DAVID M H ROSE BA(Hons) MRTPI
Inspector

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