

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr N Comben
Gillams
Cross Oak Road
Berkhamsted

D J Fountaine
27 Castle Street
Berkhamsted
Herts

One dwelling - OUTLINE

at Land adjacent and rear of Gillams, Cross Oak Road, ...
Berkhamsted.

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 7 December 1981 and received with sufficient particulars on 14 December 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 erection of a dwelling as proposed would be an undesirable form of development and would adversely affect the amenities of adjacent residential properties.
2. The combined access proposed would be unsatisfactory and affect adversely the amenities of the remaining residential accommodation.
3. Access to the proposed development is inadequate and unsuitable for the additional traffic which would be generated.

Dated 26 day of February 19 82

Signed


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.



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

Common Services

Room 1422 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218927
Switchboard 0272-218811

Handwritten notes:
Mr. P. J. Fountaine
CPO
Green 2
Return to Mr. P. J. Fountaine
New reports to meet the

Mr P J Fountaine **CHIEF EXECUTIVE**
27 Castle Street
BERKHAMSTED
Herts
HP4 2DW

CHIEF EXECUTIVE

- 6 SEP 1982

The P. J.

R. J. O.

Deared

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ref.	Our reference	Ack.
G.P.O. D.F.	T/APP/5252/A/82/04002/G3	
Date		
Received	- 6 SEP 1982	

Comments: *Handwritten:* Hazel Book in and collected 5097
file from Secy attach this letter to it; pass to me.
please

Sir

TOWN AND COUNTRY PLANNING ACT 1971,
APPEAL BY MR N COMBEN
APPLICATION NO: 4/1543/81

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for the erection of a dwelling on land adjacent and rear of Gillams, Cross Oak Road, Berkhamsted.
2. Having considered the written representations made by you, the council and by other interested persons and having inspected the site and surroundings on 28 June 1982 I have concluded that the main issue in this case is whether the proposed dwelling would represent satisfactory development having regard to the council's planning policies for the area.
3. It is agreed by the council that the site is large enough to physically accommodate a dwelling and that it is situated in a residential area. Furthermore from my inspection I determined that a house could be so positioned on the site that sufficient distance would exist to ensure that all reasonable rights of neighbouring owners could be maintained. I thus concluded that, in principle, development of the site was acceptable.
4. However it follows that as much the same conditions exist in the rear gardens of houses to the south (ie Chilterns and the like) the probability of further backland development occurring in the neighbourhood is great. Consequently the site lies in an area where the council's policy of encouraging backland development by schemes based on residential roads serving several houses and of resisting tandem development can reasonably be applied. Therefore because I consider that this policy is generally sound and deserves support I have found it necessary to not only consider this appeal on its own merits but also to consider whether there would be a more satisfactory way of developing the site.
5. To a large extent therefore access to the site becomes the critical factor in my assessment of this application. Given the length of driveway it can be anticipated that large service vehicles, such as refuse lorries, will need to use it. This has of course been recognised in that the specification suggested in your representations would provide a drive which would allow refuse lorries to use it without having to reverse either into or out of the road. However due to the relatively narrow nature of the drive and the fact that it adjoins land

not in the control of your client it would, at the junction with the road, only have a nominal radius of kerb. Thus, from data provided in Design Bulletin 32, it can be assessed that large vehicles will need to use the greater part of the full width of the road when manoeuvring into or out of the site. Given the nature of the road, which is a fairly busy local distributor, this cannot be considered desirable and it follows that development which had an access more akin to an estate road would be considerably more satisfactory.

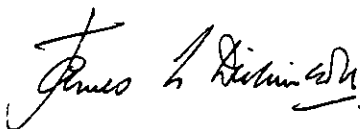
6. Furthermore because it would be difficult to resist similar applications along the road (should this proposal be approved) a proliferation of such basically unsatisfactory drives could well result. As this would obviously be to the detriment of road users I consider that, until such times as the access can be improved by combining development of the site with the development of adjoining plots, approval of this application would be at least premature. Consequently I have concluded that the best interests of the area would be served by upholding the council's overall planning policies in regard to backland development.

7. I have considered all the other matters raised in the written representations but have concluded that these lack sufficient strength to outweigh the considerations which have led to my decision.

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

I am Sir

Your obedient Servant



J L DICKINSON MA DiplArch
Inspector