

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Commission for the New Towns
 Swan Court
 Waterhouse Street
 Hemel Hempstead
 Herts

Two dwellings

 at Land rear of 89 Sunnyhill Road, Hemel Hempstead,

 Herts.

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 23 November 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. Access to the proposed development is inadequate and unsuitable for the additional traffic which would be generated.
2. In the opinion of the local planning authority, development of the site should proceed only in accordance with a comprehensive scheme of development incorporating adjoining land, and being served by an improved road access.

Dated 25 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.

1) MB
2) TW
3) CB
D/1833/DJN/P



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

Common Services

Room 1421 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line
Switchboard

Ref.				Ack.	
C.P.O.	L.P.	D.C.	Admin.	File	
Received				- 8 JUL 1982	
Comments				RETURN TO MB FOR COMMITTEE REPORT	

4/1548/81

Principal Officer
Commission for the New Towns
Swan Court
Waterhouse Street
HEMEL HEMPSTEAD
Herts HP1 1DU

CHIEF EXECUTIVE

- 8 JUL 1982

Your reference

AEA/AKO

Our reference

T/APP/5252/A/82/04105/G2

Date

- 6 JUL 1982

Sir

5315

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY THE COMMISSION FOR THE NEW TOWNS
APPLICATION NO: 4/1458/81

1. I refer to your clients' appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the formation of 2 private housebuilding plots on land at the rear of No 89 Sunnyhill Road, Hemel Hempstead.

2. I have used above the description of the proposed development given on your clients' application form but note that, on the appeal form, the proposed development is described as the erection of 2 dwellings and associated garages. I assume that there is a difference of phraseology but no difference of intention.

3. I have considered the written representations made by you and by the council, and also those made by a large number of local residents, and I inspected the site and its surroundings on 15 June 1982. As a result I have come to the conclusion that the main issue in this case is whether or not the proposed access via Gravel Hill would be adequate to serve the 2 plots/dwellings proposed.

4. The council have contended, in their second reason for refusal, that development of the appeal site should proceed only in accordance with a comprehensive scheme of development incorporating adjacent land. Because of the very long gardens at the rear of existing houses on the west side of Sunnyhill Road, a scheme to develop the back land to the south of the appeal site is feasible but would require the consent of a large number of property owners. Residential development of the allotment land to the west and south-west of the appeal site is also feasible although it might well encounter serious legal and social objections. A comprehensive scheme for the development of the land adjacent to the appeal site seems to me, therefore, a possibility but a rather remote one. In my opinion, the general lines of any such development could be anticipated in deciding the location, orientation and access to the 2 dwellings proposed so that these dwellings would not unduly prejudice any future comprehensive development of the adjacent land.

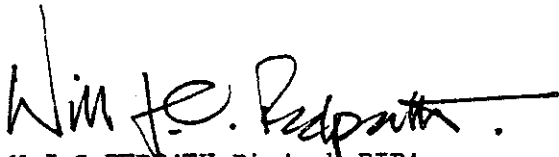
5. Gravel Hill is a very narrow lane, barely wide enough for a single car, with steep banks on either side - sloping up from the lane to the north and falling away to the south - overhung by dense trees and bushes and with a very steep gradient from the appeal site to the right-angled junction of Melsted Road and Sunnyhill Road. It is, in other words, a very attractive country lane adequate for its present pedestrian traffic and occasional vehicular access to the allotments beyond the appeal site but, in my view, it is entirely unsuitable for the traffic, including

service and emergency vehicles, which would be generated by the 2 dwellings proposed. To widen the lane to provide adequate access would involve the destruction of a very pleasant and precious feature of the locality and the taking over of land which is not in your clients' ownership. In addition, it is my opinion that the proposed use of Gravel Hill, even if it could be widened sufficiently, would exacerbate the road safety hazards which already exist at the junction with Melsted Road and Sunnyhill Road particularly in winter conditions.

6. I have noted all the other matters raised in the written representations but do not find that they outweigh the considerations which have led me to these conclusions.

7. For the above reasons set out above, and in exercise of the powers transferred to me, I hereby dismiss your clients' appeal.

I am Sir
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'W J C Redpath', with a long horizontal flourish extending to the right.

W J C REDPATH DipArch RIBA
Inspector