

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

AJP

DACORUM BOROUGH COUNCIL

To Kevin McGillicuddy
Kenniegh
Felden Lane
Hemel Hempstead
Herts

Two storey side extension

at 'Kenniegh', Felden Lane, 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 27th November 1985 and received with sufficient particulars on 18th December 1985 and shown on the plan(s) accompanying such application.

1.

The reasons for the Council's decision to refuse permission for the development are:—

1. The site is within the Metropolitan Green Belt on the County Development Plan and in an area referred to in the County Structure Plan and the deposited Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. Owing to its mass and design the proposed extension is unsympathetic to the character of the building and by reason of its prominent location would be detrimental to the amenities of the surrounding properties and the environment of the locality.

Dated 25th day of February 1986.

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**

19202



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EXECUTIVE
OFFICER

28 JAN 1987

File no. *C.P.O. 2811*
 Date *28.1.87*

Your reference

Mr K McGillycuddy
 Kenneigh
 Felden Lane
 HEMEL HEMPSTEAD
 Hertfordshire

Our reference *PLA PLANNING DEPARTMENT*
T/APP/A1910/A/86/54740/P4

Date		26 JAN 87		Ack.	
L.P.U.	D.P.	D.C.	H.C.	Admin.	File
Received		28 JAN 1987			
TOWN AND COUNTRY PLANNING ACT 1971, SECTION 35 AND SCHEDULE 9					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 35 AND SCHEDULE 9
 APPLICATION NO:- *4/1564/85*

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of Dacorum Borough Council to refuse planning permission for the erection of a 2 storey extension at Kenneigh, Felden Lane, Hemel Hempstead. I have considered the written representations made by you and by the council; I inspected the site and surrounding area on 11 December 1986.

local.
 2. Felden is a small rural settlement, a little outside Hemel Hempstead. The locality is within the metropolitan green belt indicated in the Hertfordshire County Structure Plan, and more precisely defined in the Dacorum District Plan. I find no reason to question continuation of the green belt designation as it affects the appeal site. In support of their decision, the council argue that the extension would be contrary to policy applicable in the green belt, and also that 'owing to its mass and design the proposed extension is unsympathetic to the character of the building and by reason of its prominent location would be detrimental to the amenities of the surrounding properties and the environment of the locality'. From consideration of the representations and from my inspection, I consider that your appeal turns on consideration of the issues raised by the council.

Same type of house.
Same width
 Kenneigh is a detached 3 bedroomed chalet bungalow. Viewed from the front, the building is some 11.3 m wide under a pitched roof, the upper part of which is hip ended and the lower part gable ended. Three modest sized dormer windows are set into the front. The appeal scheme would widen the building by some 5.7 m, bringing it to a stated 0.6 m from the southern boundary. The ground floor of the extension would comprise a double garage inset somewhat from the front elevation. Above would be a fourth bedroom within the extended roof space, which would finish in a full hip above the principal eaves level. The front elevation would include a fourth dormer window, matching the others. The vicinity is distinctly rural, being on the edge of the settlement, although immediately to the south of Kenneigh are 2 further dwellings.

4. I disagree with the council regarding the extension's appearance and impact on the immediate surroundings. The full hip end would upset the building's overall symmetry, viewed from the front, although the design would reduce the extension's bulk relative to a roof preserving the symmetry. There is nothing, however, to my mind about the extension's design which in itself points to a clear cut reason to refuse planning permission. Nor would the extension be unneighbourly: it would not cause overshadowing, overlooking or severe foreclosing of a principal outlook. Setting aside for the moment issues concerning the location in the green belt, in my

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opinion even allowing for Kenneigh's prominent and rural setting there would be no intrinsic reason to refuse planning permission for what you propose.

5. Within the metropolitan green belt there is a strong presumption against most forms of development. The council accept that this should not preclude extensions to existing dwellings, and I agree, but the council seek to limit the size of residential extensions permitted in the green belt, and again I agree. Kenneigh has been substantially enlarged in floor area over recent years, from about 80 m² (861 ft²) to its present size of about 163 m² (1755 ft²). The council operate a non-statutory guideline, generally seeking to limit increases in the residential floor areas of dwellings in the green belt in accordance with a sliding scale dependent upon each dwelling's original floor area. The guide's limit falls from 100% of the original area for dwellings originally of some 60 m² (650 ft²) to 20% for dwellings originally of 279 m² (3000 ft²). The guide's limit for a dwelling of Kenneigh's original size is an increase of some 70%; the works to date have increased the floor area by some 103%.

6. The council's guide is not sacrosanct, regard must be had for all the circumstances of each case. However, I believe that the guide does provide a sound initial basis upon which to consider your proposal, and certainly I believe that it correctly points to a conclusion that the appeal extension would cumulatively increase Kenneigh by an excessive amount for this dwelling in the green belt. As you say, the 103% increase in floor area to date has resulted in a much smaller percentage increase in volume of some 29%. But the building's increased physical bulk in the green belt is, in my opinion, only part of the conflict with the aim behind the green belt designation. Equally importantly, the works have already appreciably increased the building's likely number of occupants in the future; the building is no longer a small bungalow but a comfortably sized 3 bedroom family home. The widely supported principal objective behind the green belt is to maintain generally open land separating built-up areas. That objective would be defeated not just by the cumulative impact of more or larger dwellings, but also by the impact of a rising resident population within the green belt. The council's guideline document also refers to a lack of equity in permitting large increases in the size of existing dwellings in the green belt, where new dwellings would not ordinarily be permitted. I believe that this is an important issue, but perhaps better expressed by consideration of the fact that the unlimited enlargement of existing dwellings in the green belt, where few if any new dwellings will be erected, would lead to ever fewer small, relatively modestly priced, dwellings being available.

7. Of course, considered in isolation what you propose would only marginally erode the green belt's open character and the balance of dwelling sizes within it. That could, however, be said over the years about numerous individually small proposals to develop in the green belt. I can understand your domestic family circumstances behind the appeal proposal, but in my opinion these do not warrant the additional enlargement of your home sought as a further exception to the normal presumption against development in the green belt. There are advantages associated with living in the metropolitan green belt, including the much reduced possibility relative to many locations of being affected by nearby development, but a corresponding disadvantage is that your own proposal must be considered in the light of the restrictive policies applicable in the locality.


8. The council say that the extension permitted at your immediate neighbour's home is within their guideline. I looked at the 2 extensions in the locality to which you also refer; however, although I can understand your views concerning them, both extensions and the original buildings differ considerably from your proposal, which I have in any event considered on its own merits. For this same reason, I can see nothing in the council's consents for a double garage extension at Kenneigh which overturns my conclusions regarding the appeal scheme, including as it does a

proposed residential upper storey. I have taken all the other matters raised into account but found them likewise insufficient to alter my decision.

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

I am Sir

Your obedient Servant



A J LANGTON CEng MICE MIHT
Inspector