



Department of the Environment

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GTN 2074

LPA ref 4/1577/80

CHIEF EXECUTIVE

CPO

23 SEP 1981

Re Ref.

Refer to

Cleared

Your reference

Our reference

T/APP/5252/A/81/06452/G4

Date

22 SEP 1981

Mr D Walpole
32 Pudding Lane
Gadebridge
HEMEL HEMPSTEAD
Hertfordshire

3748

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
LAND ADJACENT TO 32 PUDDING LANE, HEMEL HEMPSTEAD

1. I have been appointed to determine your appeal against the decision of the Dacorum District Council to refuse planning permission for the change of use of this land from amenity green to private garden. I have considered the written representations made by you and by the council. I inspected the site on 26 August 1981.
2. The main issue in your appeal is, it seems to me, whether the incorporation of this small strip of land in your garden would have an unacceptably adverse affect on the environmental character of the area. Your house forms part of a pleasant, modern estate of terraced houses, with an attractive layout; its appearance is enhanced by some open-plan front gardens and by several trees.
3. The 2 trees on the land which you wish to incorporate into your garden are already quite well grown and, in my opinion, make a significant contribution to the street scene. I note, however, your fears concerning the damage that their roots may be doing, and it seems to me that the pleasing visual affect of the trees can be secured in the long term by a condition requiring that, if you decide to remove them, they be replaced by others.
4. The wall which runs along the boundary of your present garden is about 2 m high. If a wall of similar height were erected to enclose the amenity strip, following the line of the south-western wall of your garage and abutting immediately on the footpath, the effect would in my view be unacceptably obtrusive and dominating. As, however, you would have to obtain planning permission for any means of enclosure in this position which exceeded 1 m in height, this is a matter which would remain in the planning authority's discretion. A 1 m high wall or fence enclosing a garden which, I have no doubt, you and future occupants of 32 Pudding Lane would maintain attractively, would not in my view be so objectionable as to make it necessary for me to withhold planning permission. I note that none of your neighbours appear to have any objection to your proposal.
5. I have taken into account all the other matters raised in the representations, but they do not outweigh the considerations which have led me to my decision.
6. For the reasons given above, and in exercise of the powers transferred to me, I hereby allow your appeal and grant planning permission for change of use to private garden of a strip of land fronting Pudding Lane, in accordance with your application for planning permission No 4/1577/80 dated 23 October 1980 and the plan submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun not later than 30 September 1986.

2. The 2 trees now on the land shall be retained and shall not be felled, lopped or topped without the previous written consent of the local planning authority. Any tree removed without such consent or dying, or being severely damaged or becoming seriously diseased, shall be replaced with tree of such size and species, and in such a position, as shall be agreed with the local planning authority.

7. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or granted conditionally, or if the authority fail to give notice of their decision within the prescribed period.

8. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir

Your obedient Servant

A. N. Marshall

A N MARSHALL MA(Oxon) Solicitor
Inspector