

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DP



DACORUM BOROUGH COUNCIL

To Richard Ronald
111 High Street
Hemel Hempstead

..... One dwelling and parking
.....
at Adjoining 111 High Street
..... Hemel Hempstead

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 6.11.86 and received with sufficient particulars on 25.11.86 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 site is within the Metropolitan Green Belt on the adopted Dacorum District 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. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. The proposed development, by reason of its design and appearance and prominence in the street scene will detract from the setting of Listed Buildings at this northern end of High Street and detract from the character of the High Street Conservation Area.

Dated 5th day of February 1987

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.

VS



Department of the Environment and Department of Transport

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CHIEF EXECUTIVE
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FEB 1988

File F.

RC. 11

23096

Mrs J M Doole BA DiPTP MRTPI
14 The Green
Mentmore
LEIGHTON BUZZARD
Bedfordshire
LU7 0QF

Your reference

RR/HH102/87

PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

T/APP/A1910/A/87/74703/P4

Ref.		Date		Ack.	
C.P.O.		D.P.		D.C.	
B.C.		Admin.		File	
- 4 FEB 1988					
Received					
Comments					

Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY R RONALD ESQ
APPLICATION NO: 4/1642/86

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for erection of single storey dwelling with ancillary parking, landscaping and garden walls at 111 High Street, Hemel Hempstead. I have considered the written representations made by you and by the council. I inspected the site on Monday 7 December 1987.

2. I find that the principal issues in this case are whether or not there are any special circumstances to justify the erection of a new dwelling within the Metropolitan Green Belt and whether or not because of its design and appearance the proposed house would detract from the setting of listed buildings at the northern end of High Street and from the character of the High Street Conservation Area.

3. The appeal site is within the Metropolitan Green Belt on the adopted Dacorum District Plan. It is within the High Street Conservation Area and adjoins 111 High Street which is a Grade II Listed Building and part of a group of other listed buildings at the northern end of High Street.

4. The planning policies the council consider relevant to this appeal are Policies 1 and 2 of the Hertfordshire Structure Plan relating to the Metropolitan Green Belt and Policies 1, 14, 18, 19 and 66 of the Dacorum District Plan concerning Green Belt, Conservation Areas and Guidelines for New Development.

5. As the appeal site is part of the garden of your client's house he does not consider it is appropriately included within the Metropolitan Green Belt. He considers his proposal would represent a natural rounding off of the development at the northern end of High Street.

6. Because the boundary of the Green Belt has been established in approved and adopted development plans it is not appropriate for me to consider whether or not the appeal site should be included in the Green Belt. As it is included I have to consider whether or not there are any circumstances in this case to justify an exception being made to local and national policies for the protection of the Green Belt.

7. There is a general presumption against new development in the Green Belt. Policy 1 of the Dacorum District Plan lists the special circumstances in which development may be allowed in the Green Belt such as the needs of agriculture, forestry and other appropriate uses. Your client's proposed development is not required for any of these purposes.

8. Whether or not the proposed house would detract from the setting of the listed buildings at the northern end of High Street and from the character of the High Street Conservation Area is subjective. In my opinion a single storey detached house although skilfully designed would appear incongruous and out of keeping with the terraces of older buildings. I do not consider it would relate as an ancillary building to 111 High Street.

9. Having taken all the matters raised in the representations into account I reach the decision that the determining issue in this case is that there are no overriding reasons why an exception should be made to approved policies to restrict new development within the Metropolitan Green Belt.

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

I am Madam
Your obedient Servant

James L. Grant.

JAMES L GRANT BArch ARIBA FRTPI
Inspector