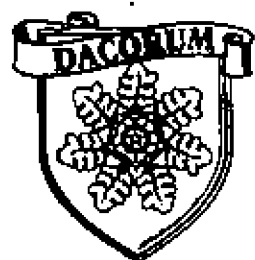


TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD

To Mr & Mrs M Ephgrave
Green Spinney
Old Hill Wood
Studham
Bucks

Mr Paul Burdess
31 Ringshall
Berkhamsted
Herts

.....Two Storey Side Extension.....
.....
at Hoo House, Little Gaddesden, 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 dated5.9.88..... and received with sufficient particulars on5.9.88..... and shown on the plan(s) accompanying such application..

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

The site is within a rural area beyond the Green Belt and within the Chilterns Area of Outstanding Natural Beauty as shown on the adopted Dacorum District Plan. In such areas it is the policy of the local planning authority to restrict development to that which is essential or appropriate to a rural area; and, in so doing, to preserve the appearance of the locality having particular regard to the siting, design and external appearance of the building. The proposed development, by reason of its mass together with the cumulative increase in the amount of new buildings on this site, is unacceptable in the terms of these policies.

Dated First day of ... December 19 88

Signed.....

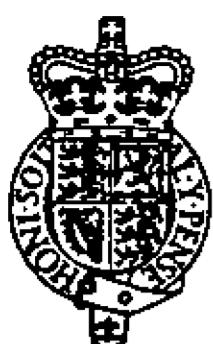
SEE NOTES OVERLEAF

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.



Planning Inspectorate Department of the Environment

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4 AUG 1989

File no.
Refer to *280 4/8*

Paul Burdess
Chartered Architect
31 Ringshall
BERKHAMSTED
Herts
HP4 1ND

Your reference Cleared *310*118
Our referenceT/APP/A1910/A/89/114149/P4A
Date
DACORUM BOROUGH COUNCIL
- 2 AUG 89

Ack.

D.C.	B.C.	Admin.	File

- 4 AUG 1989

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR & MRS M EPHGRAVE
APPLICATION NO: 4/1669/88

1. As you know I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission for a 2-storey side extension at Hoo House, Little Gaddesden. I have considered the written representations made by you and those made by the Council, together with those made by the Parish Council in response to the original application and representations received after my inspection. I inspected the site on 6 July 1989.

2. The appeal site is a large detached 2-storey dwelling in substantial grounds, beyond the western boundary of the built-up area of Little Gaddesden. Mature hedgerows surround the plot on all but its rear boundary. The site is set within an attractive rural landscape beyond the Metropolitan Green Belt but within the Chilterns Area of Outstanding Natural Beauty.

3. From my visit and from the representations before me, I consider the main issue on which this case turns is whether the proposed development would be harmful to the character of this rural area beyond the Green Belt, designated as being of outstanding natural beauty, where adopted policies seek to restrict development to that which is essential and, if so, whether there would be justification for making an exception in this instance.

4. Policy 2 of the adopted Dacorum District Plan states that development will not normally be permitted in the rural area beyond the Metropolitan Green Belt unless it is for the purposes of agriculture or forestry or other uses appropriate to the rural area. Policy 23 of the Plan is that within the AONB, the Council will be concerned to preserve the natural beauty of the landscape, to encourage agriculture, and to conserve wildlife; special attention is to be paid to the design and external appearance of buildings. The purpose of these and other policies mentioned by the Council is to ensure only development which is absolutely essential is permitted in rural areas. The Council in 1983 adopted non-statutory guidelines for use when considering extensions to houses in rural areas of restraint. Following my visit I learnt that in April 1989 the Council ceased to operate these guidelines.

5. In support of this appeal you argue that the extension represents only a modest enlargement in order to provide more private and sufficient accommodation for the appellants' large family; that the property would look more balanced as a result; that the site is well-screened from view and that no harm would be caused to the landscape; that larger houses already exist elsewhere; and that the proposal does

not therefore conflict with planning policies. You also suggest that the Council's former floorspace extension guideline policy was an influential factor at the time of the refusal and infer that the Council might have approved the application under the current policy.

6. Following my visit I am satisfied that the appeal site lies well outside any settlement limits and is properly judged to be subject to the rural restraint policies listed earlier. Since the purpose of these policies is to prevent the gradual piecemeal erosion of the countryside's appearance and character through new buildings, undue enlargement of existing buildings and associated increased activity associated with residential occupation which is unrelated to essential agricultural and other rural needs, they must be applied consistently in my view to maintain their long-term safeguarding aim. It is equally important to bear in mind these aims when dealing with individual house extensions; however, each application must be considered on its merits, taking account in particular of the adequacy of the existing accommodation and the effect of the project on the area.

7. The existing house is said to have about 280 sq m floorspace, having had an 80 sq m extension allowed in 1974. I saw on my visit that the dwelling is now substantial in size and could not be described as lacking in basic living amenities. The end bedroom upstairs is reached through either of 2 adjacent bedrooms. Although I accept the privacy factor limits the usefulness of the end bedroom, I would not agree with your view that the existing end rooms on the ground and first floor which would be enlarged are of such a shape as to be unacceptable. Although long and relatively narrow they are usable in my view. The extension would add considerable new floorspace, although the primary effect would be to enlarge existing rooms. Nevertheless in effect the extension would help to bring about the equivalent of a small new living unit at the eastern end of the dwelling.

8. Although the extension has been well designed in keeping with the existing dwelling, the longitudinal mass of the house would be significantly increased. Whilst the site is indeed well screened by existing vegetation from the road frontage, the screening effect would be less in winter and the site is relatively open at the rear beyond which is a footpath leading to Hoo Wood. The cumulative effect of this proposal coupled with the 1974 extension would be in aggregate to significantly extend the building mass on the site, decreasing the open natural beauty of the landscape at this point and adding to the potential level of associated activity on the site. Whilst the effect when compared with the existing situation would be relatively small, it would nevertheless be noticeable. The history of this case in itself highlights how the open nature of the landscape can be eroded in a piecemeal manner without the application of strong restraint policies applied in a consistent and equitable way.

9. Whilst I can well appreciate your clients' family reasons for wishing to increase the living area in the house, this desire is by no means exceptional and would no doubt apply to many currently living in the countryside. Additionally, such family requirements tend to be relatively short-term and temporary and subject to rapidly changing personal circumstances; on the other hand, once new buildings and extensions are built they and their impact and associated activity are permanent features in the landscape.

10. I have concluded that the proposal would harm, albeit in a relatively small way, the natural beauty of the countryside by introducing further built development and that it would prejudice the wider aims of the statutory rural restraint policies which are deserving of support. These objections in my view outweigh the normal presumption in favour of development proposals and the special circumstances you have mentioned have not been sufficient to justify making an exception in this instance.

11. I have not been swayed by the Council's references to other appeal decisions, since I agree none of their circumstances are comparable to your clients'. Neither have I been unduly influenced by the existence of larger dwellings elsewhere since this is not a valid argument in my opinion for allowing further erosion of the countryside. Although the Council have ceased using the informal "rule of thumb" floorspace extension guidelines, this in no way diminishes the importance of the statutory planning policies and their aims. I have taken account of all the other matters raised in the representations but none have been sufficient to lead me to a different conclusion.

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

I am Sir

Your obedient Servant



C J CHECKLEY BA(Hons) MRTPI
Inspector