

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Rice Brothers (Builders) Ltd.,
The Estate Office,
Hempstead Road,
Watford,
Herts.

Mr. J.S. Horne,
The Old School House,
Bridge Road,
Hunton Bridge,
Kings Langley, Herts.

Erection of 8 flats, garages, access etc., land at
46 and between 46/58 High Street, Bovington.

at

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
10th November 1980 and received with sufficient particulars on
11th November 1980 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 proposed development would represent over-development of this particular site, affect adversely visual and general amenities and detract from the character of the area.
2. The proposed development, by reason of its mass and design, is unsympathetic to the character of existing adjacent development and by reason of its prominent location would be detrimental to the amenities of surrounding properties and the environment of the locality.

Dated 4th day of December 19 80

Signed 

Designation Director of Technical Services

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.



Department of the Environment

Room 13/19

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL						
Ref.				Ack.		
C.B.	D.P.	C.	B.C.	Admin.	File	
959						
Direct line 0272-218 875				18 MAY 1981		
Switchboard 0272-2188				GTN 2074		
Comments						
Your reference						

Mr John S Horne RIBA MA(Cantab) BArch(L'pool)
The Old School House
Bridge Road
Hunton Bridge
KINGS LANGLEY
Hertfordshire WD4 8RQ

Our reference

T/APP/5252/A/80/16049/G7

Date

15 MAY 1981

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY RICE BROTHERS (BUILDERS) LIMITED
APPLICATION NO:- 4/1676/80

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of 8 flats, garages, access etc on land at No 46 and between Nos 46/58 High Street, Bovingdon. I held a local inquiry into the appeal on Tuesday 7 April 1981 at the Civic Centre, Hemel Hempstead.
2. From my inspection of the appeal site and the surrounding area, and bearing in mind the representations made both at the inquiry and by letters submitted, I consider that the main issue is whether the development as proposed would be satisfactorily related to its surroundings so as not to noticeably impair the character and appearance of the area.
3. Residential development of the appeal site is acceptable to the district council and indeed outline permission has been given for terraced housing: their objections are to the specific form of this proposal. I know that your clients are prepared to use materials which would be approved by the council and to supplement the existing landscape features at the site. Also you point out that the access requirements of the highway authority could be met.
4. It is however not these details which make the submitted scheme unacceptable but the building mass; in my view its bulky form would be rather overpowering in the street scene. Although I do not think anyone would claim that this part of High Street is anything out of the ordinary as a main street of the village, the site is a very prominent one and there is a conservation area nearby.
5. The general mass of building almost fills the whole width of the site and the front dormer windows, albeit designed to relate to the overall concept, unfortunately only serve to emphasise the largeness of the building and this in an area where the buildings if undistinguished, are modest and unpretentious. I feel therefore that the development as proposed would be particularly noticeable and draw attention to itself to the extent that it would be a jarring element in the street scene.
6. In my opinion the provision of more parking spaces within the site itself or of longer back gardens are not in this instance of overriding significance. Also it might well be that a similar number of housing units to your clients' proposal could be accommodated on the site without such noticeably harmful effects to which

7. There shall be only one point of access to the County road not less than 4.1 m. wide for the first 5 m. back from the edge of the carriageway.

REASON

THE DISTRICT COUNCIL OF

IN THE COUNTY OF

The reasons for the local planning authority's decision to grant permission for the development subject to the above conditions are:-

1. To comply with the provisions of Regulation 5(2) of the Town and Country Planning General Development Order, 1973, as amended.
2. To comply with the requirements of Section 42 of the Town and Country Planning Act, 1971.
3. To ensure the proper development of the site.
4. To maintain and enhance visual amenity.
5. So that a vehicle may enter and leave the site in forward gear.
6. So that traffic may enter and leave the site with the minimum of interference to the free flow and safety of traffic on the highway.
7. So that the number of places where a turning movement can occur may be kept to a minimum.

Dated 21st August 1973 day of August 1973

Signed.....
Designation.....


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 Department of the Environment, Caxton House, Tothill Street, London SW1H 9LZ.) 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 (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
- (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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.
- (a) The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.

I have referred; and which could not be said to be an over-development of the site. I have also considered the other matters raised in all the representations, but the considerations that have led to my decision are not outweighed by these other matters.

7. 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 C EYRES FRTH
Inspector