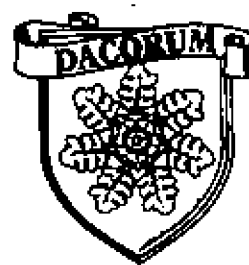


TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD.

To Clancy Developments Ltd
Clare House
Coppermill Lane
Harefield
Middx

Edward J Payne & Associates
Saddler's House
High Street
Chalfont St Giles
Bucks

..... Residential Development (4 Flats)
.....
at Rear of 'Kilfillan' , Graemesdyke Road,
..... Berkhamsted, 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 12.9.88 and received with sufficient particulars on 13.9.88 and shown on the plan(s) accompanying such application..

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

- (1) The proposed development is excessive on a site which is inadequate to accommodate satisfactorily the proposal together with the necessary amenities and vehicle parking facilities.
- (2) The proposed development, including garages and hard surfacing areas, cannot be accommodated on the site without being detrimental to the health and wellbeing of trees protected by a Tree Preservation Order. Loss of damage of those trees would adversely affect the visual and general amenities of the locality.
- (3) Access to the development is unsatisfactory as visibility sight lines required to meet adopted standards cannot be achieved within the boundaries of the site. Without such sight lines vehicles entering and leaving the development would prejudice the safety of pedestrian and traffic using Kilfillan Gardens.

Dated Fifteenth 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.

(Footpaths)

A public right of way abuts the north-west edge of the development and should not be obstructed.

Residents etc

Four letters of objection have been received expressing concern about overdevelopment; effect on the trees; access, and impact on the environment.

CONSIDERATIONS - This application is reported to the Committee because the recommendation is contrary to the view expressed by the Town Council. Earlier this year the application site was subject of a proposal for the development of two large detached houses (4/0083/88). The application was refused, under delegated powers, because of the loss of a substantial number of protected trees and unsatisfactory visibility sightlines. The proposal accords with Policy 63 of the District Plan which guides development to the urban areas of Hemel Hempstead, Berkhamsted and Tring. The current application proposes a building with associated garages and hard surfacing giving approximately 50% site coverage. The buildings are positioned so as not to necessitate the removal of the major group of trees, as with the previous submission. However, the advice of the Woodlands Officer suggests that the crown spread of these trees has been underestimated on the plan and that the development is too close to the protected trees. Hard surfacing and building in such proximity would be likely to effect the future health and wellbeing of the trees. The trees are an important feature of the locality, both in terms of visual amenity and for the privacy of surrounding properties; loss or damage of the trees is, therefore unacceptable.

The site has been extended slightly to include a visibility splay to the south; however, this is inadequate for the provision of the required sight line. A substantial section of the wall and hedge on the eastern boundary of Kilfillan House would have to be removed to accommodate the sight line. This too is unacceptable in terms of visual and general amenity of the area.

The proposed development of four large 4 bedroom flats on a plot of land of this size must also be questioned. Bearing in mind Central Government advice, The Council should not be greatly concerned with the amount of amenity space associated with dwellings. However, the size and layout of these flats would suggest that they may be occupied by families and a reasonable standard of amenity space should, therefore, be associated with this development.

RECOMMENDATION - That planning permission be REFUSED ✓ (on form DC4) for the following reasons:

1. The proposed development is excessive on a site which is inadequate to accommodate satisfactorily the proposal together with the necessary amenities and vehicle parking facilities.

2. The proposed development, including garages and hard surfacing areas, cannot be accommodated on the site without being detrimental to the health and wellbeing of trees protected by a Tree Preservation Order. Loss or damage of those trees would adversely affect the visual and general amenities of the locality.
3. Access to the development is unsatisfactory as visibility sight lines required to meet adopted standards cannot be achieved within the boundaries of the site. Without such sight lines vehicles entering and leaving the development would prejudice the safety of pedestrian and traffic using Kilfillan Gardens.

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