

**Department of the Environment and
Department of Transport**

D/1023/JM/P



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PLANNING DEPARTMENT 27428
DACORUM BOROUGH COUNCIL

Mr D Buchanan RIBA					CHIEF EXECUTIVE	
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LONDON						
W9 3HZ					28 NOV 1988	
Received 28 NOV 1988				28 NOV 1988		
Comments				Refer to 28/11		
				Cleared		

Your reference

82.8

Our reference

T/APP/A1910/A/88/097575/P4

Date

24 NOV 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR AND MRS CHAPMAN
APPLICATION NO: 4/1892/87

- 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 District Council to refuse planning permission for a 2-storey front and single storey side and rear extensions and alterations at Deepfield, No 48 Castle Hill, Berkhamsted. I have considered the written representations made by you and by the council. I inspected the site on Tuesday 25 October 1988.
- From my inspection of the site and its surroundings and from the representations made I consider that the appeal turns on whether or not the proposal would affect the appearance of the locality, in which there is in any case a presumption against unsuitable development, being in the Metropolitan Green Belt.
- Your clients' property fronts on to the north-east side of an unmade road some 250 m in length. Beyond the rear boundary is open agricultural land. A new dormer style house and a bungalow, also of recent origin, complete the frontage to the track on the north-west side of the house. To the south-east there is continuous frontage development for a distance of about 150 m to where the track joins the junction of 2 metalled residential access roads - Castle Hill and Murray Road. Two other residential access roads run into this junction. One serves a group of traditional houses and cottages which occupy a site which extends from the junction as far as a cottage that has been converted from part of the barn which is on the opposite side of the road to the appeal site. The other road, Castle Gate Way, is of recent construction and serves 6 new dormer style houses having simulated tudor style elevations. To the south and south-east of the above development there is the continuous built-up area of Berkhamsted.
- Although the boundary of the outer edge of the Berkhamsted urban area has been drawn further to the south-east of the appeal site at least 180 m of the unmade road with continuous housing along its north-east side extends the built up area into the green belt. Only the house on the next door plot to the south-east is of long standing, the remainder are modern. It follows, in my opinion, that the purposes for which the green belt has been designated could not now be breached if the

proposed extensions were to be permitted since the housing referred to above has already encroached into the open countryside at this point and now forms part of the continuous urban form of Berkhamsted.

5. So far as the effect of the proposal on the appearance of the locality is material, it is my opinion that only the 2-storey element would be likely to have any substantial impact on the surroundings. In assessing this I have considered the 2-storey extension in the context of the existing street frontage since it is this aspect that is significant in my view having regard to the existence of houses for some distance on either side of it. The dwelling adjacent to the south-east boundary of the site has a substantial mass which is far in excess of your clients but more or less comparable with its neighbour on the ~~other~~ side. It is set well in front of the subject building so that the proposed extension would not appear dominant in the context of the street frontage. Since the extension does not infringe the building line it would not impair the setting of the house on the north-west side. Consequently the additional mass created by the extension would not in my opinion render your clients' house more prominent than those on either side of it nor increase its dominance in the street scene.

6. I note that the council's thoughts are equivocal about the location of Deepfield in relation to the urban area and for this reason the use of the floor space indicator for assessing extensions in rural areas (Appendix A) would not seem appropriate. In this case the relationship of the extension to the general nature and scale of development in the vicinity as I have explained above seems to be a more apt test of its acceptability.

7. At my site inspection 2 cars were parked within the curtilage of the house and there is in addition a double garage so that Policy 19 appears to be adequately met.

8. Whilst the objectives of maintaining the Metropolitan Green Belt should be supported I cannot accept, in view of the development that has taken place along this unmade road, that this enclave of houses is not now part of the continuous urban development of Berkhamsted. In this context the proposed alterations, whilst substantial in content, are imaginative in their conception and would not detract from the visual quality and character of the locality. I propose therefore to permit the extensions and alterations subject to the agreement of the council being obtained to the type of external finishing materials.

9. I have taken into account all other matters raised in the representations but I find that they are insufficient to outweigh the considerations that have led to my decision.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a 2-storey front and single storey side and rear extension and alterations at Deepfield, No 48 Castle Hill, Berkhamsted in accordance with the terms of the application (No 4/1892/87) dated 9 December 1987 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. before any development is commenced samples of external finishing materials shall be approved by the local planning authority.

11. 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 approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

12. 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 handwritten signature in cursive script, appearing to read 'P W Rawson'.

P W RAWSON DipTP FRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr R Chapman
48 Castle Hill
Berkhamsted

Dean Buchanan RIBA
12 Macroom Road
London W9 3HY

Two storey front and single storey side and
rear extensions and alterations
at 48 Castle Hill, Berkhamsted

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 4. December 1987 and received with sufficient particulars on 9. December 1987 and shown on the plan(s) accompanying such application.

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

The two storey front extension by reason of its mass, prominence, and domination of the original dwelling will have a seriously detrimental effect on the rural character of the area.

Dated 2nd day of February 1988.

Signed

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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.