

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM IN THE COUNTY OF HERTFORD

To Mr I Courts 2 Hall Park Gate Berkhamsted Herts Aitchisons 154 High Street Berkhamsted Herts

One dwelling (Outline) at 2 Hall Park Gate, 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 permit, in accordance with the provisions of Article 5(2) of the Town and Country Planning General Development Order, 1972, as amended, the development proposed by you in your outline application dated 3 November 1988 and received with sufficient particulars on 8 November 1988 and shown on the plan(s) accompanying such application, subject to the following conditions:-

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, layout, design, landscaping and external appearance of the building(s) and the means of access thereto which shall have been approved by the local planning authority, before any development is commenced.
2 (a) Application for approval in respect of all matters reserved in Condition 1 above shall be made to the local planning authority within a period of 3 years commencing on the date of this notice.
(b) The development to which this permission relates shall be begun by not later than whichever is the later of the following dates:-
(i) the expiration of a period of 5 years, commencing on the date of this notice.
(ii) the expiration of a period of 2 years commencing on the date upon which final approval is given by the local planning authority or by the Secretary of State or, in the case of approval given on different dates, the final approval of the last such matter to be approved by the local planning authority or by the Secretary of State.
3 Details submitted in accordance with condition 1 hereof shall include a survey of the site including levels, natural features, trees and hedges.
4 Details of the ground floor levels of the building in relation to the existing highway shall be submitted to and approved by the local planning authority before development is commenced.
5 The dwellinghouse hereby permitted shall be two storey and shall not exceed 165 sq m in floor area, including any garage facility.
6 The dwellinghouse hereby permitted shall be set back 6.5 m (21 ft 3 in) from the back of the public footpath and shall not project beyond the western rear wall of 4 Hall Park Gate.

SECRET

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, 1972, as amended.
2. To comply with the requirements of Section 42 of the Town and Country Planning Act, 1971.
- 3 & 4. To ensure a satisfactory development.
5. In the interests of the street scene and the character of the immediate locality and the residential amenity of No. 2 Hall Park Gate.
6. In the interests of the street scene, and to ensure the provision of an adequately sized garden and the residential amenity of No. 2 Hall Park Gate.
7. In the interests of the street scene.
8. In the interests of safeguarding the trees within the highway verge which make a valuable contribution to the visual amenity of the locality ensuring the retention of the existing beech hedge and mounting overall character of the area.
- 9, 10 & 11. In the interests of highways safety.
12. To ensure the retention of the existing beech hedge which makes a valuable contribution to the visual amenity of the locality.

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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.

Conditions /Cont'd...

7. ✓ The ridge level of the dwellinghouse hereby permitted should be a minimum of 1 m (3 ft 3 in) below that of 4 Hall Park Gate.
8. ✓ The vehicular access shall be from the northern side of the site and the dwellinghouse hereby permitted shall not be occupied until this has been provided in accordance with the approved plans. X
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9. ✓ The developer shall construct the crossover to standards set out in the current edition of Hertfordshire County Council's "Specification for the Construction of Residential Estate Roads" and the development shall not be brought into use until the access is so constructed.
10. ✓ A 2.4 m x 2.4 m visibility splay shall be provided each side of the access, measured from the edge of the accessway to the back of the footway, within which there shall be no obstruction to visibility between 600 mm and 2 m above the footway level.
11. Any gates provided shall be set back a minimum of 5 m from the back of the footway and shall open inwards into the site.
12. Except where necessary to comply with condition 9 the existing beech hedge abutting the back of the footway serving Hall Park Gate and coloured yellow on Drawing No. 636/1 shall be protected during the period of construction and such part or parts of the hedge as become damaged shall be replaced within the planting season following the completion of the development.
13. All planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and for the purposes of this condition a planting season shall be deemed to commence in any one year on 1 October and to end on 31 March in the next following year.
14. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 or any amendment thereto, there shall be no rear extension or first floor windows installed within the north-eastern flank wall of the dwellinghouse hereby permitted without the prior written consent of the local planning authority.

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Reasons /Cont'd...

- 13. In the interests of maintaining the visual amenity of the locality.
- 14. To enable the local planning authority to retain control over further development in the interests of the residential amenity of No. 2 Hall Park Gate and No. 44 London Road and to ensure the retention of an adequately sized rear garden.

Dated 6th day of April 1989

Signed *Chris Renard*

Designation ... *Chief Planning Officer*