

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To P C and S R Allen  
5 Bulbourne Road  
Tring  
Herts

..... One dwelling ..(outline).....	Brief description and location of proposed development.
at Land adjacent to 5 Bulbourne Road Tring Herts	

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 ..... and received with sufficient particulars on ..... 2.12.88 ..... and shown on the plan(s) accompanying such application.

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

In the absence of detailed drawings to demonstrate otherwise, the Council is not satisfied that a dwelling could be accommodated on this site without seriously harming the amenities of light and privacy currently enjoyed by occupants of the dwelling to the north east.

Dated ..... 16th ..... day of ..... March ..... 19 89

Signed..... *Wm Barnard* .....

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.

The width of the plot being 6.2 m is quite narrow for a detached dwelling, yet if constructed following the existing building line it is unlikely to cause an intrusion to the street scene. However, given this narrowness the proximity of a new dwelling to the adjacent semi-detached house, No. 6 Bulbourne Road, raises problems. In the absence of detailed plans to demonstrate otherwise, it is likely that the new dwelling would have to be of such a size and length as to adversely affect the amenities of the adjacent house. As the new dwelling will lie to the south west of No. 6 Bulbourne Road, it is likely to restrict light to the rear of the house around midday and in the afternoon.

To conclude, the grant of outline permission would establish in principle the acceptance of a dwelling on the site. Any development here would have to be very carefully designed so as not to impinge on the amenities of light and privacy currently enjoyed by occupants of the adjacent dwelling, and to provide a satisfactory level of design in this largely Victorian area of the town. If outline consent is granted, it may be difficult to ensure that the reserved matters are of an acceptable standard.

#### RECOMMENDATION

That outline planning permission be REFUSED (on form DC4) for the following reason: ✓

In the absence of detailed drawings to demonstrate otherwise, the Council is not satisfied that a dwelling could be accommodated on this site without seriously harming the amenities of light and privacy currently enjoyed by occupants of the dwelling to the north east.

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