

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

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DACORUM BOROUGH COUNCIL

To Clayform Properties Plc
25 Bruton Street
Mayfair
London W1X 7DA

G H Hodgetts & Partner (86) Ltd
Roan House
R/O 92 High Street
Gt Missenden, Bucks HP16 0AN

13 detached houses and access road
at Monks Cottage, Blue Hayes, Green Bank, Leverstock
Green Road and Little Chambersbury, Bedmond Road, H.H.

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 14.2.88 and received with sufficient particulars on 16.12.88 and shown on the plan(s) accompanying such application.

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

- 1. The proposal represents an over-development of the site which would affect adversely the visual and general amenities and detract from the character of the area.
- 2. The visibility to the left at the proposed access is substandard in relation to main road approach speeds and the sightline is not completely within the control of the applicant.
- 3. The proposal would result in the formation of a sub-standard vehicular access onto Leverstock Green Road, which is the main traffic distributor between Hemel Hempstead and St Albans and would result in a material increase in turning movements onto Leverstock Green Road which would be likely to give rise to conditions prejudicial to highway safety, and the free flow of traffic on that road.

Dated 23rd day of February 1989

Signed [Signature]

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.

further accesses onto Bedmond Road are not considered desirable. The applicant has removed two houses from this plot. One house will front Bedmond Road and will use the existing access; the other will be served off the proposed road off Leverstock Green Road. This has enabled space to be retained between the development and the beech hedge. The alterations to the development on the remainder of the site involve the realignment of the houses to face the new local spur road off Leverstock Green Road. Therefore the houses will have gardens of 10-13 m backing onto the public footpath to the south-east, and gardens of 10-14 m for the houses backing onto the rear gardens of Oak Tree House and Green End which should enable the trees along these boundaries to be retained. However, given the minimal depth of these gardens and the size and density of the trees along these boundaries there could be pressure for their removal from future occupants of the houses. Although individually the trees may not be considered to be of merit, collectively they make a valuable contribution to the character of the area. There is little space between the individual houses resulting in a cramped appearance to the development. Only two houses will face Leverstock Green Road although their individual access is off the new local spur road. The plot to the north of the site, adjacent to Oak Tree House, will be provided with a vehicular access across the frontage of the adjacent property which will not provide a satisfactory environment for this unit. The junction of the proposed access road with Leverstock Green Road and its alignment do not meet the County Surveyor's requirements. In addition, it has always been County Council policy to restrict accesses onto main distributor roads, and having particular regard to the poor visibility along this stretch of road, close proximity of other road junctions, speeds of vehicles and accident records, the County Surveyor, in the interests of highway safety recommends refusal. Although there is no longer the power to direct refusal, the County Surveyor does point out that, although the required visibility can be achieved to the south-east, it cannot be achieved to the north-east.

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

1. The proposal represents an over-development of the site which would affect adversely the visual and general amenities and detract from the character of the area.
2. The proposed development would ~~be potentially harmful to the health and long term future of trees in the vicinity of the site. Loss of these trees would be detrimental to the character and amenities of the area.~~
- 3.2 The proposal would result in the formation of a sub-standard vehicular access onto Leverstock Green Road, which is the main traffic distributor between Hemel Hempstead and St Albans, and would be likely to give rise to conditions prejudicial to highway safety, and the free flow of traffic on that road.
- 3) *The visibility to the left of the proposed access is substandard in relation to main road speeds & the sight-line is not wholly in the control of the applicant.*