

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the BOROUGH OF
URBAN DISTRICT OF BERKHAMSTED
RURAL DISTRICT OF

TOWN & COUNTRY PLANNING ACT, 1962

To N.N.Wimbush Esq.,
per P.Fountaine Esq.,
85 High Street.
CHESHAM. Bucks.

Outline application for site for
at dwelling house at "Arlescot" Kingsdale Road.

Brief description and location of proposed development.

In pursuance of their delegated powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council on behalf of the Local Planning Authority hereby refuse the development proposed by you in your application dated 24.2.64 and received with sufficient particulars on 26.2.64 and shewn on the plan(s) accompanying such application.

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

That the siting of the proposed dwelling and access road as shewn on the plan would be detrimental to the surrounding properties.

Dated 16th day of April 19 64

J. C. Hedding
Clerk/Surveyor of the Council.

NOTE.

(1) If the applicant wishes to have an explanation of the reasons for this refusal 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 by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 23 of the Town and Country Planning Act, 1962. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such 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 provision of Section 17(1), 18(1) and 38 of the Act and of the Development Order and to any directions given under the Order.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Minister of Housing and Local Government, 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 Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 129 of the Town and Country Planning Act, 1962.

(4) In certain circumstances, a claim may be made against the local planning authority or the Minister of Housing and Local Government for compensation, where permission is refused, or granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 123 and Part VI of the Town and Country Planning Act, 1962.



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: *Locoplan, Parl, London*

Telephone: VICTORIA 8540 , ext.

Please address any reply to

THE SECRETARY

and quote: APP/839/A/82560

Your reference: PJF/SF

7 OCT 1964

Sir,

Town and Country Planning Act 1962: Section 23

Appeal by Mr. N. N. Wimbush

Application No. W/487/63

I am directed by the Minister of Housing and Local Government to refer to your client's appeal against the refusal of Berkhamsted Urban District Council, acting on behalf of Hertfordshire County Council, to permit the erection of a dwelling on land at "Arlescot", Kingsdale Road, Berkhamsted. The Minister has considered the representations made in support of the appeal and those of the council. One of his Inspectors has visited the site.

"Arlescot" stands in one acre of land at the head of Kingsdale Road, a pleasant quiet cul-de-sac containing good class pre-war dwellings. It is proposed to site the new dwelling on a half acre of garden land behind and to the west of "Arlescot", which is built near the northern boundary of its curtilage with its main windows facing south. Therefore the Minister considers that if the second dwelling were built in a conventional position alongside and to the south of "Arlescot", the living conditions of the existing house would be seriously impaired. There is plenty of room for two houses within the "Arlescot" curtilage but owing to the shape of the plot the Minister is of the opinion that the backland development proposed is the best in the circumstances. Neither dwelling would be overlooked to any serious degree and the development would not harm the character of the street or the amenities of nearby residents. The Minister has therefore decided to allow the appeal and he hereby gives permission for the erection of a dwelling on the land in question, subject to the condition that the siting, design and external appearance of the building and the means of access thereto shall be as may be agreed with the local planning authority or, in default of agreement, as shall be determined by the Minister.

This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 13 of the Town and Country Planning Act 1962.

I am, Sir,
Your obedient Servant,

(Signed) D. G. POMEROY

(D. G. POMEROY)
Authorised by the Minister
to sign in that behalf.

BERKHAMSTED U.D.C.	
CLERK'S DEPT.	
Res'd	8 OCT 1964
Pass to
Noted by
Ins'd

P. Fountaine, Esq.
85, High Street
CHESHAM
Bucks.