

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the BOROUGH OF BERHAMSTED. URBAN DISTRICT OF RURAL DISTRICT OF

TOWN & COUNTRY PLANNING ACT, 1962

To Mr. Howard Upjohn, per Messrs. F.J. Thompson and Co., 4, Little Green, Croxley Green. Herts.

Outline application for the erection of detached dwelling and garage at "Greenbanks", 78 Kings 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 13.8.64. and received with sufficient particulars on 19.8.64. 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 development of the site constitutes back land development and the proposed access from the unmade portion of Upper Ashlyns Road is unsatisfactory.

Dated 21st day of September 19 64

[Signature] 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.



256/64
MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: Locaplan, Parl, London

Telephone: TRAFALGAR 8020 , ext. 79

Please address any reply to

THE SECRETARY

and quote: APP/839/A/93223

Your reference: FJT/EG

28 MAR 1966

Gentlemen,

Town and Country Planning Act 1962 - Section 23
Appeal by Mr. Howard Upjohn

1. I am directed by the Minister of Housing and Local Government to refer to your client's appeal against the refusal of the Berkhamsted Urban District Council, acting on behalf of the Hertfordshire County Council, to permit the erection of a detached dwelling and garage on land at the rear of "Greenbanks", 82 Kings Road, Berkhamsted. (Application No. W/2010/64). Consideration has been given to the written representations made in support of the appeal and those of the council. An officer of the Department has visited the site.
2. The appeal site forms the south-eastern end of the rear garden of a detached house, "Greenbanks", which has vehicular access to Kings Road, A.416. The site, whose depth, width and area are 160 feet, 70 feet and 0.36 acres respectively, has no direct access to Kings Road, but has, at its southern corner, an access, about 8 feet wide, to the north-western end of a private street, Upper Ashlyns Road. This unadopted part of Upper Ashlyns Road is about 100 yards in length and has a width opposite No. 34, which adjoins the access to the appeal site, of about 25 feet. Seven dwellings have access to this portion of Upper Ashlyns Road.
3. The appeal site is considered to be of a size and proportion reasonable for a normal-sized detached dwelling and has the advantage of an existing access to a roadway. While it is surrounded on all sides by garden land it is partially screened by hedges and trees on the adjoining land, and provided care is taken in its siting and orientation a single dwelling on the site need not harm the amenities of the neighbouring properties. Although the access road is unadopted and not properly surfaced it is felt that it would be unreasonable to withhold consent for a single dwelling on these grounds, since the road already serves as access to a number of dwellings including two fairly recently built. The Minister has therefore decided to allow your client's appeal and hereby permits the erection of a detached dwelling and garage on the appeal site subject to the following conditions:-
 - (i) the siting, design and external appearance of the buildings shall be as may be agreed with the local planning authority or, in default of agreement, as shall be determined by the Minister;
 - (ii) a turning space shall be formed within the site to enable vehicles to enter and leave the site in forward gear, as may be agreed with the local planning authority or, in default of agreement, as shall be determined by the Minister.

This permission is also given subject to the condition that the use of the buildings, whether as originally erected or as subsequently extended or altered, shall be

/restricted

Messrs. F. J. Thompson and Company
4 Little Green
CROXLEY GREEN
Herts.

restricted so that (whether in consequence of a change of use or otherwise) they do not at any time contain office premises having an aggregate office floor space which exceeds 3,000 square feet. Such a condition is required by the provisions of Section 7 of the Control of Office and Industrial Development Act 1965.

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

I am, Gentlemen,
Your obedient Servant,

H. C. HOLLINGTON

(H. C. Hollington)

Authorised by the Minister
to sign in that behalf.

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| Ans'd |
| Noted by |
| Pass to |
| Rec'd 9-MAR-1966 |
| CLERK'S DEPT. |
| FEDERAL BLDG U.D.C. |