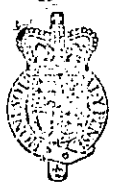


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W/3683-73



Department of the Environment
Room Caxton House Tothill Street London SW1H 9LZ

Telephone 01-834 8540 ext 634

Messrs Stimpson Lock and Vince
9 Station Road
WATFORD
Herts WD1 1DY

Your reference
JWP/MK
Our reference
T/APP/2142/A/73/16469/C#6
Date

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY A G POWELL ESQ

1. I refer to your client's appeal, which I have been appointed to determine, against the decision of the Hemel Hempstead Rural District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for the erection of a detached bungalow and garage adjoining 106 Chipperfield Road, Kings Langley. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 6 February 1974.

2. From my inspection of the site and its surroundings, and from the written representations made, I am of the opinion that the decision in this case turns on the effects on the appearance and character of the area of the development of this site which is within the Metropolitan Green Belt.

3. For about 150 metres on each side of 106 Chipperfield Road there is a closely packed ribbon of houses and bungalows. 106 Chipperfield Road is unique in this stretch for its double width frontage which provides the space for an additional dwelling with a curtilage of similar size to that of its neighbours. The ground slopes down away from the road and existing dwellings are sited below the level of the road. The dwellings on either side of the site are bungalows and in my opinion a bungalow on the site would be both unobtrusive and in keeping with its surroundings. A small number of fruit trees would have to be cleared but the effect of this on the appearance of the area would be slight.

4. Although the site is in the Metropolitan Green Belt I do not consider that the addition of one bungalow as infilling in the existing long-established ribbon of development would prejudice the integrity of this part of the green belt which, in my opinion, depends on the open country to the south of the road and not on one small and inconspicuous gap between the dwellings opposite. While supporting the council's aim of protecting the green belt I consider that the proposed development should be allowed as an exceptional case.

5. I have taken into account all the other matters raised in the written representations but am of the opinion that they do not outweigh the considerations that had led me to my decision.

H.C.C. Code No. W/3683/73
L.A. Ref. No. 8440

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the ~~Borough~~ of
~~Urban District~~ of
Rural District of Hemel Hempstead.

TOWN & COUNTRY PLANNING ACT, 1971

To Mr. A.G. Powell,
106, Chipperfield Road,
Kings Langley,
Herts.

.....
Dwelling,
.....
at Adj. 106, Chipperfield Road, Kings Langley.
.....
Part of Parcel No. 305 on G.S.HERTS.XXXVIII.4.
.....

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 3rd August, 1973,
and received with sufficient particulars on 6th August, 1973,
and shewn on the plan(s) accompanying such application.

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

The site lies within the Metropolitan Green Belt where there is a general presumption against new development in the absence of a special need or other exceptional circumstances. No such need or circumstances are apparent in this case.

Dated 18th day of September 1973

Jamison
CLERK/Surveyor of the Council.

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 Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (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 Council of the county 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.