

ADMINISTRATIVE COUNTY OF HERTFORD

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

TOWN & COUNTRY PLANNING ACT, 1962

To Mr and Mrs.W.Johnson and Mr and Mrs.Norman Clarke,
per Peter Fountaine Esq.,
27 Castle Street,
BERKHAMSTED.

Outline: Site for two dwellings in grounds of
at "Greenfield" and "Westview" New Road ,
Northchurch.

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 21.9.65 and received with sufficient particulars on 24.9.65 and shewn on the plan(s) accompanying such application.

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

The proposed development would involve development on a double building line which would -

- a) Constitute poor site development
b) Be likely to be detrimental to the amenities of the existing frontage development in the vicinity
c) Result in a lengthy access which is likely to lead to unnecessary cost and inconvenience in the provision of all kinds of services to the proposed dwellings when occupied.

Dated 18th day of November, 19 65

[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.



MINISTRY OF HOUSING & LOCAL GOVERNMENT

Whitehall, LONDON, S.W.1

Telegrams: Locaplan, Parl, London

Telephone: TRAFalgar 8020 , ext. 29

Please address any reply to
THE SECRETARY
and quote: APP/839/A/4098
Your references

27 APR 1966

Sir,

Town and Country Planning Act 1962 - Section 23
Appeal by Mr. and Mrs. W. Johnson and Mr. and Mrs. N. Clarke -
land at rear of "Greenfield" and "Westview", New Road, Northchurch

1. I am directed by the Minister of Housing and Local Government to refer to your clients' appeal against the decision of the Berkhamsted Urban District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for the erection of two dwellings on the land described in the heading to this letter (Application W/2049/65).
2. 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.
3. The appeal site, which is about $\frac{1}{4}$ mile north-east of the road A.41, forms part of the rear curtilages of two detached bungalows, "Greenfield" and "Westview", which have a total frontage to the south-eastern side of New Road, B.4056, of about 100 feet and a depth of about 310 feet. They stand on a building line some 65 feet back from the road and are about 5 feet above road level. The land continues to rise about another 5 feet to the rear of the plots. Each bungalow has a garage fronting onto the back of the 6 feet wide verge separating the frontage of the site from the $4\frac{1}{2}$ feet wide public footpath. The garage of "Westview" is double. To the north-east and south-east of "Greenfield" there is open agricultural land. About 130 feet from the south-western corner of the frontage of "Westview" a cul-de-sac, Bridgewater Road, runs south-eastwards with houses and bungalows on either side. Six of these back on to the rear garden of "Westview". It is proposed to form two building plots each 50 feet by 130 feet, to demolish the double garage on the frontage of "Westview" and construct a 13 feet wide vehicular access running between the two existing bungalows to a point some 200 feet from the frontage and terminating in a turning space about 55 feet by 22 feet in size. A new garage would be erected at the rear of "Westview".
4. The view is taken that the proposal under appeal would constitute a poor layout in relation to neighbouring properties and, if accepted, would be likely to result in a lowering of the standards of residential development in the area. Because of the difference in levels it would be extremely difficult to avoid the overlooking of properties in Bridgewater Road, and also of "Greenfield" and "Westview" themselves, to an unreasonable extent. Furthermore the long, sloping access would give rise to difficulty and inconvenience in the servicing of the proposed dwellings by trade and other service vehicles and, since it would pass closely between the two existing houses, would adversely affect the occupation of those properties. In these circumstances it is considered that the local planning authority's decision was justified.
5. Accordingly the Minister hereby dismisses the appeal.

P. Fountaine, Esq.
27 Castle Street
Berkhamsted
Herts.

BERKHAMSTED U.D.C.	
CLERK'S DEPT.	
Rec'd	28 APR 1966
Pass to.....	
Noted by.....	
.....	

I am, Sir,
Your obedient Servant,

(H. C. HOLLINGTON)
Authorised by the Minister
to sign in that behalf.