

ADMINISTRATIVE COUNTY OF HERTFORD

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

TOWN & COUNTRY PLANNING ACT, 1962

To Mrs. C.A.E. Hamilton, Messrs. Brown & Merry,
"Broadway", per 128 High Street,
Bourne End, Berkhamsted.
Herts.

Erection of one bungalow
at land to south-east of "Broadway", Bourne End, Herts.

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 **23rd December, 1965** and received with sufficient particulars on **24th December, 1965** and shewn on the plan(s) accompanying such application.

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

1. The site is within a proposed extension to the Metropolitan Green Belt where it is the policy of the Local Planning Authority not to allow development unless this is required for agricultural or allied purposes. No such need has been proved.
2. The proposed development would cause interference with traffic flow and safety on the adjacent trunk road by reason of allowing and turning of traffic at an existing junction on a section of the trunk road where visibility is limited.

Dated **7th** day of **April** **1966**

[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

ref APP/1919/A/11334
JBK/MEK/4486B
W/2639-65

7th December, 1966.



Gentlemen,

Town and Country Planning Act 1962 - Section 23
Appeal by Mrs. G.A.E. Hamilton
Land adjoining "Broadway", London Road, Bourne End

1. I am directed by the Minister of Housing and Local Government to refer to your client's appeal against the decision of the Berkhamsted Rural District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for the erection of a bungalow on the land described in the heading to this letter (Application No. W/2639/65).
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 lies on the corner of the T-junction of trunk road A.41 and Sugar Lane in the western outskirts of the village of Bourne End. It forms the south-eastern part of the garden of "Broadway", a large two-storey house, and has a depth of about 220 feet and a frontage of 100 feet to a gravelled drive which leads from Sugar Lane at the road junction to serve "Broadway". This drive would also serve the proposed dwelling on the appeal site. There are some twelve dwellings in Sugar Lane, two of which are served by an extension of the driveway to "Broadway". The land immediately surrounding the development in Sugar Lane is in mainly agricultural use. At the road junction Sugar Lane is splayed to a width of 24 feet. The trunk road is 24 feet wide at this point between a steep embankment on its south-western side and a grass verge on its north-eastern side. Traffic speeds are unrestricted and visibility from a point 7 feet back along Sugar Lane is about 40 feet north-westwards and 300 feet south-eastwards.
4. The appeal site is within an area shown on the approved development plan as one where it is the local planning authority's intention that existing land uses shall remain undisturbed unless in particular cases in the future some action is found to be necessary. In the review proposals, now before the Minister, the site is within a proposed extension to the metropolitan green belt.
5. The Minister has not yet completed his consideration of the local planning authority's proposals for extending the metropolitan green belt. Nevertheless within the area of the extension the local planning authority are, with his general approval, exercising development control in accordance with green belt policy. The proposed bungalow would undersirably add to the somewhat sporadic development at this end of the village in a manner contrary to the local planning authority's development policy; it could not in any sense be regarded as an acceptable infilling. If the appeal were allowed it would be more difficult for the authority to resist proposals for development of a similar nature with consequent harm to the rural character of the surroundings.

/Cont'd...

W.A. Hamilton
"W"

In addition the proposal would lead to an increase in the number of vehicles using the unsatisfactory junction of Sugar Lane with road A.41 where visibility particularly to the north-west is restricted, thus increasing the hazards to road users by reason of stopping and turning traffic at this point. Your client's personal reasons for wishing to build a dwelling on the appeal site are understood but, in all the circumstances, it is considered that the local planning authority's decision to refuse planning permission should be upheld.

6. Accordingly, the Minister hereby dismisses the appeal.

I am, Gentlemen,
Your obedient Servant,

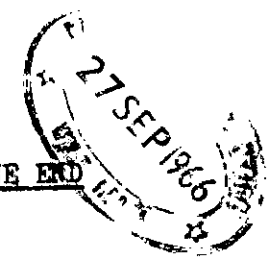
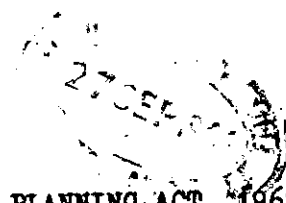
(E.C. HOLLINGTON)

Authorised by the Minister
to sign in that behalf.

Messrs. Brown and Merry
128 High Street
BERKHAMSTED
Herts.

W/2639/65

RDE.17/935/51



TOWN AND COUNTRY PLANNING ACT, 1962

PROPOSED ERECTION OF BUNGALOW AT LONDON ROAD, BOURNE END

APPEAL BY MRS. C. A. E. HAMILTON

Notification of planning proposals by Mrs. C. A. E. Hamilton was referred to the Divisional Road Engineer on 24th January, 1966 and on 25th February 1966 a direction of refusal was issued on the grounds that:-

"The proposed development would cause interference with traffic flow and safety on the adjacent trunk road, by reason of slowing and turning vehicles, at an existing junction on a section of trunk road where visibility is limited."

London Road, Bourne End, is a section of the London-Birmingham Trunk Road A.41 and the Minister of Transport is the Highway Authority.

The site is part of a large plot of land on which an existing house "Broadway" is situated and which is owned by the applicant.

The larger plot has a frontage of about 200 yards with the trunk road, and has one vehicular access about 33 yards north-west of the south-eastern end of the trunk road frontage, but apparently very little used; and a further vehicular access to Sugar Lane which joins the trunk road 22 yards from the south-east end of the trunk road frontage. Sugar Lane runs south-westwards and is separated from the site by a strip of land about 15 yards wide which carries a driveway to two properties further to the south-west. The access to Broadway joins this driveway as it turns south-eastwards to join Sugar Lane. The site itself lies south-west of the driveway from the access to Sugar Lane to 'Broadway' and immediately north-west of the strip of land carrying the driveway running south-westwards and parallel to Sugar Lane. Access to the site would be from the driveway to "Broadway". The site is about 3 feet higher than the carriageway of the trunk road at the highway boundary and rises in a general south-westerly direction. The trunk road frontage of the larger plot comprises a hedge about 6 feet high set on a bank about 3 feet high.

W/2639/65

The trunk road has a carriageway 24 feet wide south-east of the Sugar Lane junction, and 22 feet wide north-west of it. On the north side of the trunk road there is a 3 feet wide footway with a 6 feet wide verge. On the south side there is a 10 foot verge plus a ditch to the south-east of the junction and a 3 foot high bank and hedge to the north-west of the junction, the bank rising from the southern edge of the carriageway. The trunk road falls to the south-east at a gradient of 1 in 120 and bends eastwards, whilst south-westwards the road bends westwards.

Sugar Lane is generally 10ft. wide between banks surmounted by hedges, but widens to 18ft. on the line of the centre of the hedge to the north-west of the junction and 3ft. from the southern edge of the trunk road carriageway. Sugar Lane rises south-westwards at a gradient of 1 in 17 and at present gives access to eleven houses, including 'Broadway'.

Visibility at the junction of Sugar Lane and the trunk road is 40ft. north-westwards and 300ft. eastwards measured from the southern carriageway edge; and 20ft. north-west and 330ft. eastwards measured from a point 10ft. back from the southern carriageway edge. Visibility north-westwards is restricted by the hedge and bank on the trunk road frontage. The visibility standards for a cul-de-sac in an urban area are 300ft. in each direction from a point 15ft. back from the carriageway edge. This applies to roads where there is a speed limit of 30 m.p.h. On this section the speed limit ends 50ft. east of the junction and traffic from the west is not subject to a restriction. Where there is no speed restriction the visibility requirements are for 600ft. visibility measured 20ft. back from the carriageway edge. The applicant does not apparently own the land immediately west of Sugar Lane where the fronting hedge starts.

The average speed of vehicles is estimated at 30 m.p.h.

There are double white line markings on the trunk road at the junction which start 56 yards north-west of the site and continue to the east round the bend to the east. Street lighting is provided to Class A standard.



A traffic count taken on 13th August, 1965 at a point about 200 yards north-west of the site indicated a daily flow, over 16 hours, of 12,440 vehicles in both directions, and this included 25% commercial vehicles and 13% heavy vehicles, buses and coaches.

During the period from 1st July, 1963 to 30th ^{June} ~~July~~, 1966 there were two accidents in the vicinity of Sugar Lane, one 50 yards east and the other 40 yards west of Sugar Lane. The first was an overtaking accident, and in the second the driver lost control. These resulted in one case of serious injury and two of slight injury.

There is at present no improvement scheme programmed for the trunk road at the site itself, but it is hoped that work on an improvement to the north-west will begin shortly. This scheme will start about 120 yards north-west of Sugar Lane and run westwards. It will affect part of the larger plot of which the site is part.

The larger plot is also affected by the future improvement line, as indicated on the attached plan. The ultimate alignment of the trunk road will provide a by-pass for Bourne End with Berkhamsted, but this scheme is not yet in the Minister's programme.

This section of trunk road will have to carry increasing traffic for many years to come and any increase in the use of the Sugar Lane junction, where visibility is very limited to the north-west and which is narrow giving inadequate space for two vehicles to pass each other at the end of Sugar Lane, would tend to increase interference with traffic flow and safety. The junction is also laid out so that it is difficult to turn from Sugar Lane north-westwards, particularly from 'Broadway', without encroaching on the south-east bound lane of the trunk road to which visibility is restricted.

For these reasons the Divisional Road Engineer considers he was justified in the issue of direction of refusal to the proposed development.

September, 1966.

AKD/DMR.