



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0016/91

Mr J Bidwell C.I.S Unit 14
Humphreys Road
Woodside Estate
Dunstable
Beds

Project Partnership
Victoria Stud
18a Victoria Street
Dunstable
Beds

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

R/O 67/73 High Street, Markyate
ONE PAIR OF SEMI DETACHED DWELLINGS

Your application for *full planning permission* dated 10.12.1990 and received on 09.01.1991 has been *REFUSED*, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 14.03.1991

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/0016/91

Date of Decision: 14.03.1991

1. The proposal represents an undesirable form of backland development, served by a long and narrow means of access which would be liable to place an unwarranted burden on the various services and is likely to result in conflict with the users of the shops 67-75 High Street, Markyate.
2. The proposal would result in loss of car parking facilities, inevitably increasing the extent of car parking on the already narrow and congested High Street.
3. The proposal would result in an increase in the use of the access which is already substandard in width and is likely to give rise to conditions prejudicial to highway safety.
4. The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by the occupants of adjacent dwellings.
5. The comings and goings of trades vehicles, post office vans, and the general disturbance which already exists at the rear of the shops would be seriously detrimental to the quiet enjoyment of the occupants of the proposed dwellings.



Planning Inspectorate
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D/651/JM/P

1) D. J. Am
2) J. B.

PLANNING DEPARTMENT							
DACORUM BOROUGH COUNCIL							
Hives Partnership 46 Queens Road READING Berks RG1 4BD				Ack.			
CR	TO	PP	DC	AC	Adm	Fls	
Received				17 OCT 1991			
Comments							

Your reference

Our reference
T/APP/A1910/A/91/187034/P8

Date
16 OCT 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6

APPEAL BY G I S GROUP

APPLICATION NO: 4/0016/91

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of 2 houses and ancillary works at the rear of Nos 67/73 High Street, Markyate. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly by interested persons to the Council which have been forwarded to me. I inspected the site on 18 September 1991.
2. From what I have seen and read of this case, I consider that the principal issues are twofold. Firstly, whether the proposal would be undesirable backland development in terms of its effect on the amenity of adjoining occupiers and conflict with nearby shops. Secondly, the impact of the development on highway conditions in the locality.
3. This piece of land lies to the rear of the shopping frontage of the High Street with access between Nos 73 and 75, a post office and bakery respectively. At present it is occupied by 11 lock-up garages and the remainder is either hard surfaced or overgrown. To the rear is a modern housing estate, Roman Way and a public footpath from there leads along the side of the appeal site to the High Street. Your layout plan shows the retention of 3 of the garages with the rear of the land developed with a pair of small 3 bedroomed semi-detached houses and associated parking/servicing.
4. The appeal site is within the Markyate Conservation Area and also in an area of archaeological significance. Structure Plan policies aim to protect such areas and the character of settlements generally but there is no presumption against development in Markyate. Indeed, the Structure Plan supports the re-use of neglected or derelict land. The Dacorum District Plan of 1984 is in the process of replacement with the relevant document being the Dacorum Borough Local Plan Deposit Draft (DBLPDD). Its policies require new developments to comply with certain standards of space, car parking and environmental quality, particularly within Conservation Areas.
5. I note that the local planning authority does not claim that the appeal scheme would have a harmful effect either on the Conservation Area or archaeological concerns and that the Hertfordshire Building Preservation Trust finds it acceptable subject to high quality materials being used. I concur with your view that the

present appearance of the site is poor and that a well designed development would enhance the Conservation Area. Backland development is not in itself contrary to the character of the Conservation Area and in my opinion the crux of this appeal rests on the details of the scheme in relation to its surroundings and the site access.

6. At my inspection I considered that the new houses would be sufficiently far away from the rear of the shops on the High Street to prevent loss of privacy or serious disturbance by the commercial activities there. However, I also noticed that the appeal site was closely overlooked by No 54 Roman Way, a 2-storey house lying only some 5 m from its rear boundary. The back gardens of the proposed houses would be just over 12 m and I consider that the distance between facing habitable room windows of these and No 54 Roman Way would be well below the 23 m required by the DBLPDD. This distance is, in my view, reasonable and necessary to provide adequate privacy even where only bedroom windows are involved and I find it a serious defect that your proposal falls well short of this requirement.

7. As far as the access is concerned, it is clear that visibility is very restricted, that the access is narrow and used already by the frontage shops. I appreciate that the development would result in the loss of vehicle movements to those garages which are to be removed but in view of their low-key use I think that there could well be a net increase in traffic. In my view, it would be dangerous to allow the increased use of an access with such poor width, visibility, and radii, particularly as its use is already shared by the post office and bakery.

8. I have concluded that both issues provide sound reasons for the refusal of planning permission in this case. The inconvenience of servicing and the loss of garage space are, in my view, additional but less substantial objections. I have had regard to the appeal decision (Ref: T/APP/5252/A/80/4590/G2) where the location of the single dwelling proposed accounts for the difference in detailed conclusions between myself and the Inspector in that case. I have taken into account all the representations including your reference to a current development at Nos 79-81 High Street which I saw at my visit. I agree that sensitive new development can "breathe new life" into Conservation Areas but in the case of the appeal scheme I consider that the visual benefits of developing the site are not sufficient to outweigh the substantial objections on amenity and highway grounds.

9. For the above reasons, and in exercise of the powers transferred to me I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

J. Jones

MRS J JONES MA DipTP MRTPI
Inspector