

**Department of the Environment and
Department of Transport**

Common Services

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PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ref.				Ack.	
C.P.O.	D.P.	P.C.	B.C.	Admin.	File
				10 JAN 1983	
Comments					
Your reference					

Collett Design
17 Collett Road
HEMEL HEMPSTEAD
Herts
HP1 1HY

Our reference

T/APP/5252/A/82/09874/G10

Date

- 6 JAN 1983

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY ALEC WHITE & CO LTD
APPLICATION NO:- 4/0096/82

- I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of 4 flats with garages at the rear of 101 and 109 High Street, Northchurch, Hertfordshire. I have considered the written representations made by you, by the District Council, by Berkhamsted Town Council and also those made by interested persons. I inspected the site on Monday 22 November 1982.
- From the representations made I consider the main issue in this case is whether it would be advisable to allow development of the appeal site at the present time, in view of its location in relation to the heavy traffic of the A41, a major trunk road and the junction with the B4506. It has been agreed by the District Council that the site is residential land.
- Your proposal has been designed to take account of traffic conditions as far as possible within the limitations of the site. The initial response of the County Engineer was to approve your application. However refusal was recommended by Department of Transport and is now supported by the County Engineer.
- From my inspection I note that there are several access points from the main road to private parking in the vicinity of the appeal site, so some turning movements might be anticipated. However the problem in this case lies in the additional hazard of traffic turning for the minor Dunstable road diagonally opposite the appeal site. Although it is a minor route this road appears to take an appreciable amount of traffic. Traffic along the main road is very heavy at present.
- I note the recent extensive development north-east of the appeal site. In that case, however, it was possible to increase the width of the road to allow a waiting lane in the centre for turning traffic and there is no other junction opposite the site. In the case of your clients' site you have suggested the formation of a waiting bay. However, in my view, this might add to the complexity of the junction, although the volume of traffic likely to be generated is low.
- On behalf of your clients you point out that the route for the A41 bypass has now been established and construction work scheduled. On this basis you suggest that even if development is not allowed now, then it might be granted subject to completion of the bypass.

7. However it will be some years before the bypass is complete, probably more than the 3 years normally granted for outline approvals. In this period the type of housing demand may change. A change in traffic conditions may also affect the character of the locality, possibly making houses a more appropriate form of development. A further consideration is that the set-back and waiting lane you have suggested may be unnecessary in the future and disruptive to the street frontage.

8. Under these circumstances I consider that it would be inadvisable to allow development of this site to proceed at present. Nevertheless I see no reason to question that this site could ultimately be developed for residential purposes.

9. I have taken into account all the other issues that have been raised, including the scarcity of building land, but these have not proved sufficient to outweigh the considerations that have led to my decision.

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

I am Gentlemen
Your obedient Servant

Ann R Bridger

ANN R BRIDGER BA(Hons) Arch DipUD MA RIBA
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM

THE DISTRICT COUNCIL OF

IN THE COUNTY OF HERTFORD

To Alec A. White & Co. Ltd.,
85 Marlowes,
Hemel Hempstead,
Herts.

Messrs. Collett Design,
17 Collett Road,
Hemel Hempstead,
Herts.

Four flats, garages and access - outline,
.....
.....
on land between 101 and 109 High Street,
.....
Northchurch, Berkhamsted, Herts.

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 29th January 1982 and received with sufficient particulars on 2nd February 1982 and shown on the plan(s) accompanying such application..

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

1. The proposed development would result in the formation of a new access to the trunk road that will be used to serve multiple properties. The turning of vehicles into and out of this access, together with the parking on the trunk road that may be encouraged by the development, would be detrimental to the safety and free flow of traffic.
2. The proposed new access is in close proximity to an existing road junction.
3. The visibility from the proposed new access is restricted to below the standard required for a road subject to a 30mph restriction.

Dated 18th day of March 19 82..

Signed *Chris Bond*

Designation Chief Planning Officer

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 District Council in which the land is situated, 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.