

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Applicant:
D.C.Janes Limited,
PO Box 56,
61 Cravells Road,
Harpenden, Herts.

12 No. terraced and semi-detached residences.
1 No. block of 4 residences. Access road and car parking
at Land off Cowper Rise, (r/o. 134. High St). Markyate,

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 4.2.83. and received with sufficient particulars on 4.2.83. and shown on the plan(s) accompanying such application.

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

- (1) The proposed development by reason of its size and nature is contrary to the provisions of policies (4) and (5) of the Dacorum District Plan which seeks to restrict development in Markyate to dwellings in small gaps in otherwise built-up frontages, required in connection with the local facilities and service needs of the settlement.
- (2) The proposal represents a gross overdevelopment of the site, in poor relationship with adjoining residential properties.

Dated 19th day of May 1983.

Signed *W. B. ...*

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, Tollgate House, Houlton Street, Bristol, BS2 9DJ). 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

Department of the Environment and
Department of Transport

Common Services

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PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL GTN 2074

CHIEF EXECUTIVE

OFFICE

23 MAY 1984

File Ref. QP0 23/5

Referred to

Cleared



D C Janes Ltd
61 Cravells Road
HARPENDEN
Herts

REF.				ACK.		Your reference
C.P.O.	D.P.	D.C.	D.	Admin	File	
/		11/5				Our reference
Received				24 MAY 1984		T/APP/A1910/A/83/3021/P7
Comments						Date
						22 MAY 84

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0156/83

- As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum District Council to refuse planning permission for the erection of 16 dwelling-houses with access and car parking areas on land off Cowper Rise, Markyate, Hertfordshire.
- From my inspection of the site, its surroundings and other parts of Markyate which I carried out on 3 January 1984, and consideration of the representations made by you and on your behalf, by the council and by other persons, I am of the opinion that this case turns on 3 issues. These are whether the need for the proposed small houses is sufficient to outweigh planning policy objections to development on this scale in Markyate, whether the site is large enough to accommodate 16 houses satisfactorily, and the effect of the development on adjoining residents and the appearance of the area.
- The appeal relates to 2 adjacent areas of land covered by rough grass and weeds which appear to have been unused or little used for a long time. The southern area has a frontage of about 22 m to Cowper Rise and is bounded to the south by the short back gardens of old terrace houses fronting Wesley Road. It is separated from the tall single-storey building along the back of the car park of the Swan public house in High Street by similar overgrown land. The northern part of the site is backland separated from the southern part by a tall brick wall. It is bounded to the west by a bungalow at 12 Cowper Rise, to the north by recent houses and lock-up garages in Old Vicarage Gardens, and to the east by similar overgrown land forming the back garden of the old house at 34 High Street. Land in the area slopes fairly steeply up to the north-west and the northern part of the site slopes up to the west and is at a higher level than the southern part.
- Outline planning permission was apparently given in February 1982 for development of the northern part of the appeal site by the erection of 2 large dwellings to be served by a long access from High Street in between Nos 32 and 34. The present proposal, based on suggestions by council officers, involves combining that site with similar land to the south in order to provide a site of about 0.25 ha with a frontage to Cowper Rise.
- On the first issue, the approved structure plan provides that in selected smaller villages to be identified in local plans, infilling development may be allowed within the main core. Submitted alterations to the Structure plan provide

that development will be concentrated in towns and that in rural areas outside towns and specified settlements (which do not include Markyate) development will be restricted to uses appropriate to a rural area. Provision made in these alterations for the needs of key workers and households which are newly formed or unsuitably accommodated is no longer applicable to Dacorum because housing provision for 1976-86 in the district will exceed policy control levels. The draft local plan for the district provides for small-scale residential development to be approved within the main core of Markyate, provided the site represents a small gap in an otherwise built-up frontage and has an area, frontage and depth comparable with adjacent development, the development would not detract from the character of the village or surrounding area, and a rate sufficient to accommodate the equivalent of the natural increase of population in the rural part of the district would not be exceeded.

6. The appeal site is clearly within the main core of this fairly large compact village and comprises unused land surrounded by development. The proposed erection of 16 houses could not however be regarded as small-scale and, because of the shape of the site, its development would not be comparable with that adjoining. The development would not qualify for permission under the structure plan alterations because of the excess housing provision in the district in relation to policy levels. Nevertheless I consider that there are grounds for treating your proposal as justifying an exception to the normal policies of the structure and local plans.

7. Firstly, the development involves small houses suitable for meeting the needs of first-time buyers, and persons requiring small modern houses of which there appear to be few in Markyate. In this connection I note that a section 52 agreement has been entered into which is designed to give preference in the sale of properties to persons who have been locally resident for at least 2 years, are employed locally or are locally resident and have a priority housing need. Secondly, many letters have been received from local residents supporting the development on the grounds that it would meet an important local need in Markyate; many of them are residents of long standing and some live next to the appeal site. Thirdly, permission has already been given for 2 large backland dwellings on the northern part of the site and it is difficult to see how permission could reasonably be refused for at least the same number on the southern part which is larger and has a road frontage. Refusal of comprehensive development of the appeal site could be expected to lead to the 2 parts being separately developed by several large properties which would be less likely to meet the needs of local people and first-time buyers than the 16 small houses now proposed. I consider that the need for a development of this type in Markyate is such as to outweigh planning policy objections on grounds of its scale.

8. On the second issue, 16 houses on a site of only about 0.25 ha represents a fairly high density, and amenity open space for residents is therefore limited. The layout has however been designed to make good use of available space. All the houses have separate enclosed gardens, except for the 4 in the block next to Cowper Rise, whose occupiers would be able to take advantage of the fairly large and traffic-free communal open areas within the site. In my opinion the amenity open space provision is acceptable for a development of 1-2 bedroom houses designed for first-time buyers. The provision of one parking space per house, and a further 9 spaces for visitors, appears to be reasonable; although slightly below the district council's standard it is well above the county council requirement. It would however be desirable for the 1.5 m high screen walls to be reduced to 1.05 m or curtailed where they would obstruct visibility from manoeuvring vehicles. No serious overlooking problems between houses are involved within the site because dwellings are well spaced except at the northern end where the fronts of facing houses are some 15-17 m apart. Having regard to the character of this development I do not consider that the layout is unreasonably affected by the size of the site.

9. On the third issue, I do not consider that there would be any serious problems of overlooking between the existing and proposed dwellings. Despite the closeness of unit 16 to the southern boundary and the short length of the Wesley Road back gardens no serious effect on privacy is likely because no windows are proposed in the flank wall of this house and because of the acute angle between windows in the front and back walls and their distance from facing windows in the back additions of Wesley Road houses; the nearest of these at 4 Wesley Road would be about 16 m away. Because of ground levels, and the distance away of some 22 m, windows in the back of the bungalow at 12 Cowper Rise would be screened from units 5-7 by the tall brick wall along the boundary in between. Windows in the front of units 8 and 9 would be some 18-19 m from the back windows of 2 and 4 Old Vicarage Gardens so that no serious loss of privacy would occur. First floor windows in the flank walls of units 1-4 serve only bathrooms, and obscure glazing would avoid direct overlooking of adjoining properties. No problems of overlooking would occur in respect of the backs of 34 High Street and the Swan public house.

10. In my opinion the proposed development would not harm the appearance of the adjoining residential area or the Conservation Area. A relatively small amount of suitable planting would prevent the appearance of the development from Cowper Rise being dominated by the main parking areas within the site. Although the layout includes 2 parking spaces directly off this road, Cowper Rise is primarily a link road and on the opposite side there are 2 blocks of lock up garages. The site is not within the Markyate Conservation Area, although the back of the site adjoins its boundary. Buildings along the High Street frontage and the back of the public house car park would limit views of the proposed houses, if seen at all, to occasional glimpses. I note that the application provides for details of the facing materials to be agreed with the council. In my opinion the development would not have an unreasonable effect on adjoining residents or the appearance of the area.

11. I have taken into account all the other matters raised in the representations but none of them outweigh the considerations which have led to my conclusions. I note that concern is expressed by some residents about the effect of the extra traffic from the development, both on Cowper Rise and upon the narrow section of Buckwood Road leading into High Street, but in my opinion the effect of traffic from 16 new houses would not be such as to justify refusal of permission.

12. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of 16 houses, with access and car parking areas, on land off Cowper Rise, Markyate, Hertfordshire in accordance with the terms of the application (No 4/0156/83) dated 4 February 1983 and the plans submitted therewith, subject to the following conditions:

- i. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
- ii. details of the facing materials shall be submitted to and approved by the local planning authority before the development commences;
- iii. trees and shrubs shall be planted on the site in accordance with a scheme to be submitted to and approved by the local planning authority before the development is commenced, and all planting shall be completed within 2 years from the date on which development of the site commences. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 3 years shall be replaced by trees or shrubs of similar size and species to those originally required to be planted;
- iv. the first floor windows in the flank walls of units 1-4 shall be fitted with obscure glass.

13. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

H M A Stedham

H M A STEDHAM ARICS FRTPi
Inspector