

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM  
IN THE COUNTY OF HERTFORD

To Applicant:  
Mrs.M.E.Rackley,  
86 High St.,  
Markyate,  
Herts.

Agent:  
Mr.D.J.Rackley,  
357 Old Bedford Road,  
Luton,  
Beds.

Single storey rear extension, alterations and change  
of use from dwelling to shop and first floor flat,  
at 96 High Street, 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 1.2.83 and received with sufficient particulars on 21.2.83 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 have a seriously detrimental effect on amenities at present enjoyed by occupants of adjacent dwellings.

Dated 19th day of May 19.83...

Signed *W. in Barnard*  
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

Room 1422 Tollgate House Houlton Street Bristol BS2 9 DJ

Telex 449321

Direct line

Ref 0272-218 927

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0272-218811

Ack.

Admin.

File

Received reference 24 OCT 1983

Comments

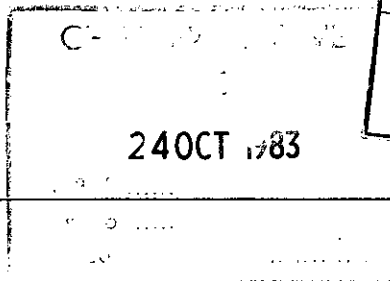
OU reference

T/APP/A1910/A/83/3361/PH2

Date

20 OCT 1983

Mr D J Rackley  
357 Old Bedford Road  
LUTON  
Beds  
LU2 7BL



Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MRS M E RACKLEY  
APPLICATION NO:- 4/0238/83

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 District Council to refuse planning permission for change of ground floor use to shop together with erection of a single-storey extension on land at 96 High Street, Markyate, Herts. I have considered the written representations made by you and by the council and interested persons and I inspected the site on 20 September 1983. My decision has unfortunately been delayed by the absence from my file of Appendix A to the council's statement but I now have this to hand.
2. From the representations and my inspection of the site and surroundings I see the sole issue in this case to be whether or not any increase in activity in the area generated by shop use of No 96 High Street would have a significantly adverse effect on nearby residential uses.
3. Markyate High Street is a long, and in parts narrow, village main street now isolated from the bulk of through traffic by the A5 bypass. It is, as you say, in historically mixed use. Houses are interspersed with shops and other uses along its whole length and even in the narrowest but busiest central part between Backwood Road and Roman Way shops and other uses, both corner and in-terrace, are noticeably fewer in number than the houses which separate them. Backlands are mostly residential on side street frontage and with the noticeable exception of the appeal site terrace there are no back service roads to High Street properties. There are parking restrictions on one or the other side of most of the street but I found no shortage of kerbside parking space on permitted parts.
4. The appeal site terrace is on a comparatively wide part of the street facing the long and spacious yard of the Associated Biscuits warehouse depot and probably for this reason there are parking restrictions on both sides of this part of the street. No 96 is the largest property in the terrace and has a first floor flyover above a long established vehicle access nearly opposite one depot access. No 100 in the same terrace is a shop and Nos 74, 80 and 121 in nearby terraces are former shops now in other uses.
5. I did not find the area around No 96 materially different in residential content from the central part of High Street which, although it has more shops, is backed on one side by the large and clearly recent Roman Way estate. I made my inspection

between 11.30 am and 12.00 midday, a normally busy time in shopping areas, and saw no traffic or parking problems. In so far as particular problems may arise at other times from intensive use of the apparently underused depot yard opposite the appeal site terrace it is, to my mind, an advantage that your proposal would close the access from No 96 and remove any possibility of traffic hazard through access conflict.

6. I note the representations made by the occupants of No 98, now a dwelling but described as a disused shop in the appeal decision letter reference T/APP/5252/A/77/10413/G6 relating to former application for change of use from shop to restaurant of No 100, but see no reason to believe that adjoining shop use of No 96 would itself lead to any measurable increase in the level of area disturbance set by the depot opposite or have any other significant effect on their present environment or the environment of any other nearby householders.

7. I note also the council's reference to possible improvement of the proposed extension design, together with your expressed willingness to deal with whatever the undefined but implied deficiencies of your design are, but myself find nothing offensive or grossly out of character or contrary to quoted policies in the design as submitted and see no reason to impose a condition requiring submission of further details for planning reasons.

8. I have taken account of all the other matters raised in representations but find none weighty enough to affect my decision.

9. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for change of ground floor use to shop together with erection of a single-storey extension on land at 96 High Street, Markyate in accordance with the terms of the application (No 4/0238/83) dated 1 February 1983 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

10. The developer's attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

11. 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. Your attention is drawn to the provision of Section 277A of the Town and Country Planning Act 1971 (inserted into the Act by the Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of any building in a conservation area.

I am Sir  
Your obedient Servant



D G M CHALMERS AA Dipl RIBA FCI Arb  
Inspector

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