



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-878927
Switchboard 0272-878000
Fax No 0272-878769
1374-

Mr D Clarke
47 Gravel Lane
Boxmoor
HEMEL HEMPSTEAD
Herts HP1 1SA

PLANNING DEPARTMENT GTN DACORUM BOROUGH COUNCIL					
Ref.	DoP	T.C.P.M.	D.P.	ACK.	File
				Your reference	
Received 31 AUG 1994				Our reference T/APP/A1910/A/94/237297/P8	
Comments				Date 26 AUG 1994	

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MESSRS TATES COACHES
APPLICATION NO 4/0251/94

1. 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 in outline for the erection of 4 No one-person flats, amenity areas and parking at No 144 High Street, Markyate. I have considered the written representations made by you and by the Council and also those made by the Markyate Parish Council and other interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 1 August 1994.

2. From the written representations made and from my inspection of the site and its surroundings, I have concluded that the main issues in this appeal are first, whether the site is of an adequate size for the proposed development; and, secondly, whether it would adversely affect the amenities of the occupier of the adjoining house, No 142 High Street by reason of overshadowing and loss of daylight.

3. The appeal site is currently used as a coach depot with open parking at the front of the site and a large garage building at the rear. The land on this part of the south side of the High Street slopes up from the road and in order to form a level site the appeal site has been excavated. Because of this there is a high retaining wall at the rear of the site and the eaves of the garage at the rear are only a little above ground level. There is a public footpath running along the south eastern boundary which separates the site from the modern housing development adjoining. An older house, No 142 High Street, adjoins the site on the street frontage on its north western boundary.



4. In support of its reasons for refusal the Council has drawn attention to the emerging Local Plan which contains the criteria by which development will be judged. Amongst other things these criteria require that the proposed development should be of an appropriate scale, bulk and design in relation both to the site itself and to adjoining properties. The Environmental Guidelines which form part of the Local Plan include the requirement that residential development should provide private open space with a minimum depth of 11.5m. Further guidelines require car parking space in accordance with the Council's standards to be provided. In considering this appeal I must give due weight to these policies having regard to the state of preparation of the plan.

5. Your proposal is to erect four one-bedroom flats in the form a two storey block with seven car parking spaces at the rear approached by a covered way under the block. Although this is an outline application it is not stated that the plan is for illustrative purposes only and I must therefore take it into account in my consideration of whether the proposal represents a satisfactory development on this site. In my opinion, because of the proximity of the driveway which penetrates the block, the occupiers of the two flats at ground floor level would be adversely affected at all times by reason of noise, fumes and at night by the lights of cars. The enclosure of the amenity spaces at the rear to form an adequate buffer against nuisance from vehicles would require a substantial brick wall which would, I believe, unduly enclose them and render them unattractive to the occupiers. No such protection would be available at the front of the building. The amenity space is in any event too small to meet the Council's standards and while I note your submission that it could be extended, it would still be below the recommended minimum depth and would be at the expense of vehicle manoeuvring space. Further no outdoor amenity space would appear to be possible for the two upper flats.

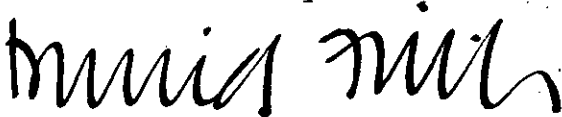
6. It seems to me that the amount of car parking space is acceptable but the limitations of the site are such that this provision, with its access way, occupies an excessive amount of the site leaving too little space for the building itself, amenity space and satisfactory pedestrian access arrangements. I agree with the Council that the site offers a poor residential environment because of the footpath running alongside the site and the high retaining wall at the rear. In these circumstances the limited amenity space would not provide attractive conditions for sitting out. I do not consider that your proposal to landscape the retaining wall and erect a 2m high fence to screen the footpath would overcome the problems that I see to the development of the site in the manner proposed. The aspect of the rear wall would mean that the rear area would be overshadowed for much of the day and the 2m high fence would tend to enclose and overshadow the rear of the flats. For these reasons I concur with the Council's view that the site is inadequate for four units.

7. Turning to the second issue, your proposed building would be situated close to the south eastern boundary of No 142 High Street and from the information before me it appears that, because of the aspect, it would cause overshadowing and loss of daylight to the rear of this property thus adversely affecting the amenities of the occupiers. I have noted that the existing house has been extended and is not shown accurately on your submitted drawing. I have had regard to your suggestion that the proposed building could be sited forward of the position shown on the drawings but I do not consider that the siting could be varied sufficiently to overcome the objections which I see on the second issue.

8. I have had regard to your submission that the amenities of the adjoining residents would be improved by the erection of the proposed building rather than continuing the existing use and that this scheme is the only alternative economical use of the land but this does not outweigh the objections which I see to your proposal. I have taken into account all the other matters raised in the representations, but do not find them to be so cogent or compelling as to outweigh the considerations that led me to my conclusion.

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

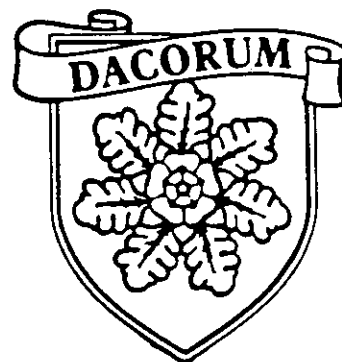
Yours faithfully



D W FRITH DipTP FRTPI FRICS
Inspector

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0251/94

Tates Coaches
144 High Street
Markyate
Herts

Mr.D.Clarke
47 Gravel Lane
Hemel Hempstead
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

144 High Street, Markyate, Herts

FOUR ONE-PERSON FLATS (MODIFIED SCHEME) OUTLINE

Your application for *outline planning permission* dated 18.02.1994 and received on 23.02.1994 has been *REFUSED*, for the reasons set out on the attached sheet(s).

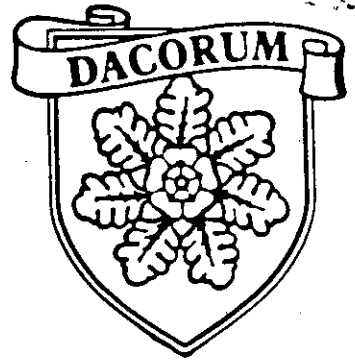
Director of Planning

Date of Decision: 21.03.1994

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0251/94

Date of Decision: 21.03.1994



1. The proposed development is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities.
2. The proposed development would have a seriously detrimental effect on the amenities of no. 142 High Street by reason of its intrusive and overbearing appearance, overshadowing and loss of light.