

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Applicant:
Oakwood Properties Limited,
82 High St.,
RwdHourn,
Herts.

Agent:
Mr.A.E.King,
"Fairways",
Lockers Park Lane,
Hemel Hempstead,
Herts.

Change of use of part ground floor to
offices, alterations to front elevation and
rear porch
at 61 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 10.3.83 and received with sufficient particulars on 15.3.83 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 proposal would result in the undesirable loss of residential accommodation contrary to the policy of the local planning authority.
- (2) The proposed office use and associated car parking would have a seriously detrimental affect on the amenity of adjoining and nearby residential properties.

Dated 19th day of May 1983.

Signed

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 1320 Tollgate House, Houlton Street, Bristol BS2 9 DJ

Telex 449321

CHIEF EXECUTIVE
OFFICER

18 JAN 1984

File Ref.
Refer to *CP*
Date recd.

8281

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.			Ack.		
C.P.O.	D.P.	D.C.	B.C.	Admin Your reference	File
Received			Our reference		
18 JAN 1984			T/APP/A1910/A/83/005272/PE4		
Comments			Date		
17 JAN 1984					

Mr A E King BA(Hons) BPL MRTPI
Fairways
Lockers Park Lane
HEMEL HEMPSTEAD
Herts

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY OAKWOOD PROPERTIES LIMITED
APPLICATION NO:- 4/0383/83

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal which is against the decision of the Dacorum District Council to refuse planning permission for the change of use of part ground floor to offices, alterations to the front elevation and the erection of a rear porch at 61 High Street, Markyate. I have considered the submissions made by you and by the district planning authority and the representations received from interested persons. I inspected the appeal premises on 8 December 1983.

2. From my inspection of the appeal premises and surroundings and my consideration of the submissions made and representations received, I am of the opinion that the main issue is whether the proposed use would disturb those living nearby.

3. You maintain that an estate agency as is here proposed would not normally attract as many people as would a shop. You say that planning permission was granted in 1974 for the only other estate agent in Markyate and this office is between 2 dwellings and has office windows overlooking the back garden of one adjoining house. If there is concern about the possibility of disturbance at a late hour, then a condition may be imposed restricting the hours of opening. Adequate car parking space is available for the proposed flat and some parking has been made available in connection with the office use, although the district planning authority does not normally require car parking provision for estate agents' offices. You make the point that the appeal premises are not suitable for use as a family dwelling because there is a main road at the front, and that the small flat on the upper floor would provide the type of small dwelling of which there is a need in Markyate. Finally, you mention that the authority's Town Planning Officer recommended that the proposal should receive the grant of permission.

4. The district planning authority describe the appeal premises as being within a conservation area, and as being one of a terrace of 8 two-storey 18th century cottages which are within the statutory list of buildings of special architectural or historic interest. They say that the proposal would conflict with their policy of refusing permission for office development which would result in the loss of residential accommodation. The authority go on to say that the introduction of a commercial use such as the one proposed into a residential area would disturb those living nearby. They add that an estate agents office would not provide a service for those living locally (unlike the shop at the corner of the terrace).

5. Two residents living in the terrace have written objecting to the proposed change of use, on the ground that the car parking space proposed at the back of the premises would create a danger mainly by reason of the increased use of the access.

6. In my opinion the establishment of an estate agents' office in the appeal premises would unreasonably disturb those living on either side, by reason of the coming and going associated with such a use and its window displays. It is true that there are shops on the opposite side of the road to the appeal premises, that there is a corner shop to the north-west at the end of the terrace, and that there are shops on the same side of the road a little distance to the south-east, nevertheless, the appeal premises are in the middle of a terrace of dwellings predominantly, and so those living in these dwellings should be protected from the extraneous activity engendered by an estate agents office. I have considered all the other matters raised in the submissions and representations but they do not outweigh the considerations which have led to my decision.

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

I am Sir
Your obedient Servant

John Eyre.

JOHN EYRE RIBA ARICS MRTPI
Inspector