

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Garson Construction Ltd
14 Granville Street
Aylesbury
Bucks

Carolyn & Gerald Bushby
10 Torrington Road
Berkhamsted
Herts

14 Elderly persons' flats, Warden's flat, access and
car parking.
at Castle Wharf, Bridge Street, Berkhamsted.

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 17 March 1982 and received with sufficient particulars on 6 April 1982 (As Amended 18.5.82) and shown on the plan(s) accompanying such application.

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

1. In the opinion of the local planning authority the proposal represents an over-development of the site and would, if permitted, prove injurious to the amenity of adjoining and nearby residential properties.

Dated 27 day of May 19 82

Signed



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.



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

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.	C/O				Ack.
				Admin.	File
Received					16 DEC 1982

G Bushby Esq BA(Arch) RIBA
10 Torrington Road
BERKHAMSTED
Herts

6126

Comments
Your reference

Our reference
T/APP/5252/1/82/08414/G5
Date CHIEF EXECUTIVE
14 DEC 1982

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY GARSON CONSTRUCTION LIMITED
LOCAL PLANNING AUTHORITY APPLICATION NO:- 4/0406/82

16 DEC 1982
File Ref.
Cleared

1. 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 14 elderly persons' flats with a common room and warden's flat together with the provision of 12 parking spaces and the formation of access thereto on land at Castle Wharf, Bridge Street, Berkhamsted. I have considered the written representations made by you and by the council and also those made by the Bridge and Chapel Streets Residents' Association and other interested persons.
2. I inspected the site and its surroundings on 11 November 1982 and observed that it was located in a narrow strip of land between the Grand Union Canal and the River Bulbourne formerly forming part of Castle Wharf used by cargo barges on the canal. I noted that the appeal site was not separated physically on the ground from the site occupied by Bridgewater Boats who, I understand, carry out their business of barge hire to holiday makers from this site. At the time of my visit barges were tied up along the full frontage of the narrow strip of land about 3.66 m wide separating the appeal site from the canal. I observed that the only means of vehicular and pedestrian access to the appeal site, Bridgewater Boats and the house and garage of 'The Bargemans House' was over a narrow bridge over the River Bulbourne at the northern end of Bridge Street.
3. From my inspection of the site together with its surroundings I am of the opinion that a decision in this case turns primarily on whether or not the form, design and layout, and means of access, of the proposed development would relate satisfactorily to its surroundings.
4. Whereas I accept the form of the proposed development by way of 14 elderly persons' flats would meet an identified need for this type of accommodation I am unable to accept your submission "that there are few sites in Berkhamsted as suitable as this for old people". On the contrary it seems to me the flats would be located in an environment that is not predominantly residential in character and would be approached through part of the yard of Bridgewater Boats. Furthermore it seems to me the privacy of all the habitable rooms of the 4 flats on the ground floor facing the canal would be materially prejudiced by persons using the narrow accessway to the barges on the canal.
5. Although I accept your submissions that the proposed development would not constitute "over-development" of the site in terms of density of dwellings, persons or habitable rooms, and the height of buildings, I am not satisfied it would not constitute "over-development" in respect of the access available to the proposed development.

6. My visit to the site gave me no reason to question generally the submissions by the Residents' Association and others, that Bridge Street is already heavily congested with parked vehicles without facilities for turning. At the time of my visit a refuse collection vehicle had to turn in Chapel Street, mount the pavements and reverse up Bridge Street thereby bringing all traffic to a halt in both streets and causing hazards to pedestrians on the pavements.

7. Whereas the development of 14 elderly persons' one-bedroomed flats on the appeal site is likely to generate less traffic movements by residents than the scheme for 14 flats rejected in 1981, it seems to me that this would be largely offset by increased traffic movements by visitors, including doctors, nurses and social workers visiting the site. In my opinion both Chapel Street and Bridge Street are subject to all the features of traffic congestion and vehicular and pedestrian hazards associated with a town centre street system that has remained largely unchanged in this part of Berkhamsted since the turn of the century. In my opinion the proposed development would inevitably give rise to a substantial amount of additional traffic using Bridge Street and this would be wrong and open to compelling planning objections.

8. I find no reason to question generally the requirements of the council in respect of car parking for the proposed development. It seems to me however that the 12 spaces provided would be poorly related to the 8 flats nearest to the canal. Furthermore it seems to me the provision of the car parking spaces in the positions proposed would necessitate the removal of most of the trees along the bank of the River Bulbourne and thereby largely destroy the one natural feature on the appeal site which is worthy of preservation.


9. Although a turning head is provided on the appeal site this would be out of sight of drivers of vehicles in Bridge Street. I am accordingly inclined to accept the submissions of the Residents' Association that it would not resolve the reversing movements that at present take place in Bridge Street. Furthermore I note that the question of whether this turning facility would be available to the public is not finally resolved.

10. I conclude on balance that any advantages flowing from the proposed development are outweighed by the disadvantages in the public interest particularly in respect of traffic hazards and congestion.

11. I have taken into account all other matters referred to in the written representations, including the fact that outline planning permission was granted for residential development on the appeal site on 2 October 1980. This permission did not however quantify the number of dwellings to be erected on the site. Furthermore, Condition 8 of that permission required a turning space for vehicles to be provided immediately across the bridge across the River Bulbourne. In my opinion none of these other matters is of sufficient strength to overturn the considerations that have led to my decision.

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

I am Sir
Your obedient Servant



W D WOODALL FRICS FRTP
Inspector