

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM .....

IN THE COUNTY OF HERTFORD .....

To Gregory and Davis  
Sunderlands Estate  
Church Lane  
Kings Langley  
Herts

..... Change of use of garage to tyre fitting bay. ....

at ..... Sunderland's Yard, Church Lane, Kings Langley. ....

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 ..... 26 March 1982 ..... and received with sufficient particulars on ..... 13 April 1982 ..... 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 an adverse effect upon amenities at present enjoyed by the occupants of adjacent dwellings.
2. The proposed development would lead to increased demand upon limited parking accommodation close to the entrance to Sunderland's Yard to the detriment of the safety and free flow of traffic using this entrance from the adjacent highway.

Dated ..... 27 ..... day of ..... May ..... 19 82 ....

Signed Chris Barnard

Designation Chief Planning Officer



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

Common Services

Room 1421 Tollgate House

Telex 449321

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL			
Ref. Houlton Street Bristol BS2-9DJ		Ack.	
C.P.O.	D.P.	D.C. Direct line	B.C. Admin. File
		Switchboard	0272-218-950
Received		22 FEB 1983	
Comments		Your reference JW/mn	
		Our reference T/APP/5252/A/82/011058/G2	
		Date	

CPO  
CHIEF EX

22 FEB 1983

Ketley Gould Associates  
Architects  
66/67 Newman Street  
LONDON  
W1P 3LA

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY GREGORY AND DAVIS  
APPLICATION NO:- 4/0419/82

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 change of use of garage to tyre fitting bay at Sunderland's Yard, Church Lane, King's Langley, Herts.
2. I have considered the written representations made by you and by the council and also those made by other interested persons and I inspected the site and its surroundings on Monday 20 December 1982 and as a result have come to the conclusion that the main issues are firstly whether the proposed use would be detrimental to the amenities of the occupiers of nearby residential property and secondly whether it would result in additional parking which would cause congestion and possible hazards to highway users.
3. On the first issue the Council contended that the planning permission granted for the appeal building was specifically for its use as a security garage office, and garage, and the garage use was restricted to the storage of motor vehicles. The garage had a large door in the rear wall opening on to a yard which was overlooked by a 3-storey block of flats about 16 m from the rear boundary, and the use proposed would inevitably generate additional noise and disturbance which would be detrimental to the amenities of these dwellings.
4. On the second issue they maintained that a total of 7 car parking spaces would be required, and it seemed impracticable for the yard at the rear to be used for parking whilst the tyre fitting bays were in use. Parking at the northern end of Sunderland's Yard near the access and warehouses, would exacerbate the present situation, because parking space was limited and often unavailable. There was no land specifically available for parking at the southern end of the yard, and parking there was haphazard and uncontrolled. Although your clients were prepared to provide parking space within their haulage yard this was about 30 m to the south amongst other haulage operators and its use for customers of the proposed new business did not seem to be realistic. The access to Sunderland's Yard was on the outside of a sharp bend in Church Lane which led through the village to the A41 Trunk Road and the proposed business would lead to parking on the carriageway and footways, and to congestion and hazards to highway users.
5. During my site visit I noted the block of flats to the east of the appeal premises and I accept that some dwellings in this block do overlook the rear yard. However,

since this yard would only be used for parking cars, a use already permitted, and not for the tyre fitting, and wheel balancing, which would be carried out inside the garage, there would in my opinion be little or no increased noise or disturbance from the rear yard. In my view the proposed business would involve a relatively quiet operation, which would be screened not only by the garage walls, but also by the perimeter walls of the yard, and would be at least 30 m from the nearest dwelling. You have also said that you would accept a condition restricting the hours when the premises could be used for tyre fitting. I have therefore formed the opinion that the increased noise and disturbance would be so small that it would not be noticeable above the general level of noise associated with the access into Sunderland's Yard and the activity of the haulage businesses within it; and that it would not be detrimental to the amenities of the occupiers of nearby residential properties.

6. Although the Council were concerned about the effect that the additional car parking generated by your clients' proposed business might have on congestion within Sunderland's Yard particularly near the access, and on the carriageway and footways of Church Lane itself, I noted that they only calculated a requirement for 7 car spaces for the new use. Since 2 spaces would be available within the garage, and up to 6 within the yard and since there was also a considerable amount of parking space within your haulage yard which you indicated during my visit only about 30 m from the appeal building, I was not convinced by the Council's arguments concerning possible congestion. I accept your further point that if parking occurred on the footways, or on the carriageway if this were restricted by yellow lines, it would be a matter for police action. I therefore formed the opinion that the proposed use would not lead to congestion or to hazards to highway users.

7. Bearing in mind the advice given in Circular 22/80 particularly paragraphs 12-14 regarding the encouragement of small businesses, I have come to the overall conclusion that since the proposed use would not in my opinion be detrimental to the amenities of the occupiers of nearby residential properties, and would not be likely to cause congestion or hazards to highway users, planning permission should be granted. However to ensure that the Council retains adequate control over the use, I have also come to the conclusion that not only should the hours when the business may be conducted, be restricted, as you suggested, but also that permission should be granted for 2 years only in the first instance, so that the proposed parking arrangements for customers' vehicles can be monitored over a comparatively short period, and continued use of the premises for tyre fitting prevented should these arrangements prove unsatisfactory.

8. I have taken into account all the other matters raised in the written representations including the large amount of parking space which would be required at Sunderland's Yard to bring it up to today's standards, and the fact that the Council have consistently resisted industrial development in the past, but I am of the opinion that they are outweighed by the matters which have led me to 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 use of garage to tyre fitting bay at Sunderland's Yard, Church Lane, King's Langley, Herts in accordance with the terms of the application (No 4/0419/82) dated 26 March 1982 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. the use shall only be permitted between the hours of 9 am and 4.30 pm Mondays to Fridays and 9 am to 1 pm on Saturdays and not at all on Sundays or bank holidays unless otherwise agreed with the Council;
3. the permission shall be for 2 years only in the first instance.

10. 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.

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.

I am Gentlemen  
Your obedient Servant

*P. R. Gibbs*

P R GIBBS MA AADip RIBA  
Inspector

## 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.