

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 Grenville Street,
AYLESBURY,
Bucks.

Messrs. Payne Cullen Partnership,
101 High Street,
TRING,
Herts.

Residential Development

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 30th March, 1981, and received with sufficient particulars on 31st March, 1981, (as amended 4.6.81) 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 is excessive on a site which in inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities.
- (2) The proposed development would represent over-development of this particular site, affect adversely visual and general amenities and detract from the character of the area.
- (3) The increased traffic likely to be generated by the proposed development would be a potential hazard on adjacent highways.

Dated 18th day of June, 1981.

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.

C/1545/LT/P



Department of the Environment

Room 1209

Tollgate House Houlton Street Bristol BS2 9D3

Telex 449321

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.			Ack.		
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received - 2 NOV 1981					
Direct 0272-218 800					
Switchboard 0272-218811					
GTN 2074					

Messrs Payne Cullen Partnership
101 High Street
TRING
Hertfordshire
HP23 4AB

Your reference
STP/CJC/627

Our reference
T/APP/5252/A/81/9509/G10

Date

30 OCT 1981	VE
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Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 SECTION 36 AND SCHEDULE 9
APPEAL BY GARSON CONSTRUCTION LIMITED
APPLICATION NO:- 4/0600/81

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 residential development at Castle Wharf, Berkhamsted, Hertfordshire. I have considered the written representations made by you, by the council and by interested persons. I inspected the site and surroundings on Thursday 8 October 1981.

2. Although on your clients' application form to the Local Authority you have applied for full planning permission for the above proposals, I note that there is already an outline approval for residential development on the site, application No 4/1312/80, granted on 2 October 1980. Because planning permission runs with the land, I must regard this as a material factor affecting this appeal. I therefore propose to deal with this case as a refusal to approve details reserved by the outline planning permission already granted.

3. From my inspection of the site, and from the representations made, I consider the main issues to be considered are:

a. whether the site is adequate for the proposed development without having a damaging impact on the local environment; and

b. whether the proposal would give rise to an unacceptable safety hazard to other road users.

4. The appeal site lies on the south-west bank of the Grand Union Canal, on the north side of Berkhamsted Town Centre, at the northern end of Bridge Street, from which access is gained. The site, at present unused, is mainly occupied by a large open-sided shed, is bounded on the north-west by a timber yard and buildings, the south-east by Bridgewater Boats, and the south by the stream known as River Bulbourne, and the fire station beyond. Bridge Street is predominantly residential in character, being mainly 2-storey terrace-type housing, giving the impression of being recently renovated and improved. A substantial house exists at the north-east end of Bridge Street, and mixed 2 and 3-storey dwellings are on the opposite side of the canal.

5. In support of this appeal, you contend that your clients proposal has regard to the conditions attached to the outline planning permission for residential development, and provide all amenities needed without over-development of the site. The density, you point out, is lower than nearby developments, and in your view, fits in with that established in the vicinity. In your opinion, the layout and design of the proposal

relates to the surroundings, accords with the spirit of the policies in the Dacorum District Plan, and provides a type of development for which you feel a demand exists. Because of nearby non-residential uses of land, and the potential of the site for industrial purposes, you further contend that your clients' proposal would improve the visual amenities of the area. You take the view that the car parking standards now adopted within the District Plan are too high for the type of development proposed, and further point out that on-site turning facilities provided within the design would improve the present difficulties caused by reversing vehicles in Bridge Street. You have also outlined the background to your clients' application and this appeal, indicating discussions which have taken place with the local planning authority.

6. The council state that the appeal site lies in the Berkhamsted Conservation Area, within the 'Central Area' of Berkhamsted on the approved County Development Plan, where amongst other matters, regard will be had concerning parking and the character of the area. In addition, a number of policies in the adopted Dacorum District Plan are defined, which, it is pointed out, are relevant to your clients' proposal. The circumstances of the appeal site are such that the council consider its development as proposed would represent over-development out of character with Bridge Street and which would fail to meet adopted policies for Conservation Areas. Required on-site car parking standards are not met, and it is the opinion of the local planning authority that to permit this development, as proposed, would lead to an increased traffic hazard resulting from additional traffic generation and on-street parking.

7. The site has outline permission for residential development. The appeal proposals would locate ten 2-bedroom and four one-bedroom flats on the appeal site, in 3 blocks of 2 and 3-storey heights, situated around a central landscaped area.

8. This part of Berkhamsted is developed with a mixture of residential, commercial and other non-residential uses, of varied ages and extents. Bridge Street, the sole means of access to the site by vehicle, is predominantly residential in character, and comprising mainly modestly sized terraced dwellings, which abut the street and have restricted gardens at the rear. I accept that the appeal site is immediately flanked by non-residential uses, but to my mind the proposal is for a development of a building mass that would, in my opinion, tend to unpleasantly dominate, and promote a sense of overlooking, to the detriment of those who already occupy the existing cottages in close proximity to the appeal site.

9. In considering the adequacy of the site to provide the amenities normally anticipated for such a development, I am concerned to note that the car parking provision, 13 hardstanding and 4 garages, fall substantially short of that considered by the local authority to be necessary, taking account of the standards set down in the adopted Dacorum District Plan. As a result of my site visit, I am satisfied that considerable kerbside parking of vehicles occurs in Bridge Street and roads leading thereto, which must inevitably, at times, cause traffic congestion, particularly involving service vehicles, adding to the safety hazard to road users in the vicinity. Bridge Street is narrow and being the sole access to the site, I consider it most important to ensure that pressures for additional on-street parking would not be likely to arise from any new development permitted. In this case, notwithstanding the adoption date of the Dacorum District Plan, I find no reason to question the parking standards included therein, or justification for setting them aside when considering your clients' appeal.

10. I conclude therefore, that the application as submitted, indicates that the site is inadequate to meet the parking standards considered necessary for the development proposed, and if permitted, would not only represent over-development of the site leading to an increase in safety hazard on nearby streets, but a loss of amenity to

those residents living nearby. At the moment an unattractive, seemingly derelict building exists on the site, and I agree that development of the land for residential purposes would improve its visual appearance. I do not, however, consider this to be justification for approving a development which I consider would have a substantially adverse effect on the area.

11. Clearly this is a sensitive issue, which has caused considerable reaction from nearby residents. The objectors reflect mainly the view that the proposal should be resisted on the grounds of over-development of the site, loss of local amenity and road safety. This is a view with which I agree.

12. I have considered all the other matters raised in the representations, including the presence of other developments of a greater density nearby and the potential of alternative use of the site, but they are not of sufficient weight to alter my decision.

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

I am Gentlemen
Your obedient Servant



G S WEBB CEng MIMunE
Inspector