

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr. A. Farrington,
8 The Close,
Markyate,
Herts.

..... One dwelling
.....
at Land in George Street, Markyate, Herts.
.....

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 21. April. 1987 and received with sufficient particulars on 29. April. 1987 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 site is within a rural area beyond the Green Belt on the adopted Dacorum District Plan wherein permission will only be given for use of land, the construction of new buildings, changes of use of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. The proposal is not supported by evidence of local need sufficient to satisfy Policy 4 of the adopted Dacorum District Plan.
3. The location of the garage is such that there is insufficient room to stand a vehicle within the curtilage clear of the garage doors thus on general amenities and presenting a hazard to pedestrian and vehicular traffic on the highway.

Cont.

Dated day of 19

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.

Ref 4/0634/87

4. Access to and egress from the proposed parking space is unacceptable by reason of the lack of visibility sight lines to George Street which would give rise to conditions prejudicial to highway safety.
5. The site is not large enough to accommodate a dwelling without producing a development of cramped appearance out of character with recent residential development in the vicinity.

Dated: 18th June 1987

Signed



Chief Planning Officer.

Department of the Environment and Department of Transport

Common Services

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CHIEF EXECUTIVE
OFFICER

4 FEB 1988

File
Sect 2 604/2
Closed

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL

Mr A Farrington
8 The Close
MARKYATE
Herts

Ref.				Ack.	
C.P.O.	D.P.	D.C.	B.C.	Admin.	File
Received			- 3 FEB 1988		
Comments					

Your reference

Our reference

T/APP/A1910/A/87/73711/P4

Date

E 3 FEB 88

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/0634/87

- I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum Borough Council to refuse planning permission for 1 dwelling on land off George Street, Markyate. I have considered the written representations made by you and by the Council and also those made by the Parish Council. I inspected the site on 2 December 1987.
- From my inspection of the site and its surroundings and from the representations received I consider that there are 2 main issues to be decided in this case. First, whether or not the proposal conflicts unacceptably with Structure Plan and Local Plan policies regarding new development in rural areas; and second, whether the proposal would result in an unsatisfactory form of residential development which would give rise to highway hazards and which would harm the character of the area in which the site is situated.
- The Council state that the proposal conflicts with policies of the Structure Plan and Local Plan which preclude new residential development in Markyate except in certain special circumstances. Since the proposal does not relate to agriculture or other essential rural activities or to a demonstrable local need the Council claim that it is unacceptable. They draw attention to the support which these policies have received in previous appeal cases.
- You acknowledge the nature of these policies but point out that alterations to the Structure Plan imply that Markyate is intended to be classified as an "excluded" settlement within an extended area of Green Belt so that infilling would be allowed. You claim that the Council's attitude towards this proposal is at variance with their support for the modified Structure Plan policy. You argue that the proposed development would comprise infilling and that it is necessary to house your mother who presently has to travel constantly to and from Enfield in order to help the family by looking after the children.
- It is clear to me that the proposal conflicts with Policies 4 and 5 of the Local Plan because it is not needed for agriculture or other rurally-based activities and I am not convinced that the need to erect a house for your mother to move from Enfield constitutes a sufficiently special set of circumstances to justify an exception to these policies. I also accept that the policies have been acknowledged by previous Inspector's as being worthy of support. However the Structure Plan document to which these policies fundamentally relate is now

apparently out of date and has been modified; the proposed alteration allows for infilling in Markyate and has the support of the Council. Furthermore, the modified Structure Plan has reached a relatively advanced stage in its course towards gaining the approval of the Secretary of State.

6. While I do not consider that the proposed development is infilling in the precise sense of filling in a small gap in an otherwise built-up frontage, I nevertheless accept that the site lies within the care of the village and is surrounded by existing development. Taking all these factors into account, I have concluded that although the proposal would obviously conflict with the current Structure Plan and Local Plan policies, it does not conflict with the modified policies of the altered Structure Plan; accordingly I do not consider that this aspect alone justifies dismissing your appeal.

7. I now turn to the second issue concerning highway safety and the relationship of the proposed development to its surroundings. The Council consider that the close proximity of the garage to the highway and the lack of adequate visibility for vehicles emerging from the site would create hazards for other users of George Street. You contend that there is very little traffic at the end of this cul-de-sac and therefore no serious hazards would be created by the development; you also refer to a nearby double garage which has been erected close to the highway. In response to the Council's assertion that the development would be cramped and out of character with its surroundings you state that the proposal reflects the tight-knit form of older properties in George Street and you claim that the development would enhance the area by redeveloping an existing, untidy commercial site.

8. I accept your argument that the proposed location of the garage would be unlikely to cause hazards for other road users in this quiet and fairly wide road and I acknowledge that the redevelopment of this site would obliterate the existing untidy yard. I am nevertheless concerned that the proposal would, in overall terms, comprise a cramped and unsatisfactory form of development in relation to its surroundings. According to the drawing you have submitted the proposed house would stretch across almost the entire width of the site and its front elevation would be only 3 m from the flank wall of No 7 The Close. In terms of views from The Close, therefore, I consider that the house would appear as an overbearing and intrusive development, very poorly related to the adjacent house. In these respects I consider that it would detract seriously from the pleasant residential character of The Close.

9. While I accept that older properties in George Street are built on small plots I consider that in terms of their small scale and orderly character they exhibit a pleasing homogeneity. I do not find that your proposal for a substantial detached house on this small and awkward plot reflects their small-scale character or unassuming well-ordered appearance. Accordingly, I have concluded that your proposal would serve to detract unacceptably from the appearance of this part of the village. I have taken into account all other matters raised but these do not outweigh the considerations which have led me to my conclusion.

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

I am Sir

Your obedient Servant

Terence Povey

T N POVEY BA BArch MA FRTPI RIBA MBIM
Inspector