



Department of the Environment

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GTN 2074

21 JAN 1982

CPO

Messrs Savage and Partners
The Gatehouse
1 Blucher Street
CHESHAM
Bucks
HP5 2JB

Your reference

FVS/VT

Our reference

T/APP/5252/A/81/11923/G9

Date

19 JAN 1982

Gentlemen

4413

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY ELDEE BUILDERS LIMITED
APPLICATION NO:- 4/0834/81

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for 6 flats on land at St Johns Well Lane, Berkhamsted. I have considered the written representations made by you and by the council and also those made by interested persons. I inspected the site on 22 December 1981.
2. Your clients' application form specifies that 6 parking spaces would be provided but I see that the councils' refusal of permission was based on an amended plan which shows 8 spaces. The application form indicates that your clients have in mind a 3-storey development.
3. The appeal site is situated on the fringes of the centre of Berkhamsted. It is roughly square in shape and about 650 sq m in extent. The north-western and south-western boundaries adjoin the sizeable rear gardens of dwellings. The north-eastern boundary is formed by an access road under construction to serve a development of 24 flats being erected by your clients to the north of the appeal site. The south-east boundary is formed by St Johns Well Lane, beyond which is a Post Office sorting office. St Johns Well Lane serves a public car park, the sorting office and other development. An outline planning permission exists on the site for the erection of 4 flats and 8 car parking spaces.
4. The council have refused permission because they consider that the site is of insufficient size to provide the necessary amenities for 6 flats after space has been allocated for car parking. They consider too that the increased traffic from the proposed development would be a potential hazard on adjacent highways. You argue that the council's car parking standards are excessive, that the site is large enough to provide adequate car parking and other amenities, and that the increase in traffic would be minimal. The planning officer had recommended approval.
5. From my inspection of the appeal site and its surroundings and the representations made I consider that the main issue in this case is whether, bearing in mind the size of the site, its location and its surroundings, the appeal proposal would result in an acceptable form of development.

6. From my inspection I am satisfied that the site is physically capable of accommodating 6 flats of modest, 2 bedroom, size, in a 3-storey building. The council argue that 14 car parking spaces should be provided for the development. I note that the standard on which this suggested provision is based is one applicable to a range of dwelling sizes and types. I note too that it comes from the council's District Plan which is still in draft form and that the Inspector conducting the inquiry into the plan has concluded that the car parking standards should be amended. In my opinion 14 spaces is an over-generous provision for the proposed flats on this particular site located close to the town centre. I consider that in these particular circumstances 6 spaces would not be adequate but that 8 would be a reasonable provision.

7. I recognise that the site is a small one and that the laying out of 8 car parking spaces upon it would leave only a limited amount of land available to provide amenity space. However I do not consider that the space likely to be available for amenity purposes would be excessively small for the type of development proposed, and I note that the council have already granted outline permission for a development of the site including 8 car parking spaces. I am satisfied that the disposition of the buildings in the vicinity of the site is such that the proposed development need not have an unduly cramped appearance, and I consider that a 3-storey building here would fit in satisfactorily with the adjoining flat blocks being erected to the north, from a visual point of view. A higher building would not be satisfactory however.

8. While I recognise that St Johns Well Lane is narrow and carries a sizeable traffic and that the appeal site adjoins a difficult bend in the road I am not persuaded that the addition of 2 flats to the number already permitted on the site would have more than a marginal effect on traffic dangers in the vicinity.

9. I have examined all the other matters raised, but find they do not outweigh the considerations leading to my decision that your clients' proposal should be approved. However, to ensure that the development is satisfactory, I shall impose a condition requiring the provision of 8 car parking spaces on the site.

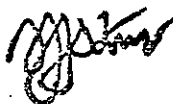
10. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for 6 flats on land at St Johns Well Lane, Berkhamsted, in accordance with the terms of the application (No 4/0834/81) dated 9 June 1981 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority;
a. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission;
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates;
 - a. 5 years from the date of this permission; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved;
3. eight car parking spaces shall be laid out within the application site.

11. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission, and for approval of the reserved matters referred to in 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. Attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

12. 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



A J J STREET
Inspector

ENC

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD
.....

To Eldee Builders Ltd.,
Lewdor House,
Manor Road,
TYLERS GREEN,
Bucks.

Messrs. Savage & Partners,
1 Blucher Street,
CHESHAM,
Bucks.

6 Flats - OUTLINE
at St. John's Well Lane, 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 9th June, 1981 and received with sufficient particulars on 17th June, 1981 and shown on the plan(s) accompanying such application.

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

1. Insufficient parking space can be provided within the curtilage of the site to meet standards adopted by the local planning authority.
2. The proposed development is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities.
3. The increased traffic likely to be generated by the proposed development would be a potential hazard on adjacent highways.

Dated 30th day of July, 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.

11/10/71