

870/76D

H.C.C. APPEAL INDEX No. 4/155,71



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COUNTY PLANNING HERTFORD	
18 AUG 1977	
Refer	C
Att.	J. McK.
File	

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Your reference
J/CSOur reference
T/APP/5252/A/77/1290/G7
Date

12 AUG 1977

4/706/76.

Gentlemen

APPEAL DISMISSED

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY JESSEN AUTOS LIMITED
APPLICATION NO:- 870/76D

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 use of a parking area of about 17 m (56 ft) by about 4.9 m (16 ft) for car sales at 8 Great Road, Hemel Hempstead. I held a local inquiry into the appeal on 14 June 1977.
2. From my consideration of the representations that have been made, and my inspection of the site and its surroundings, I am of opinion that the determining issue in this case is whether the proposed development would be harmful to the character of the immediate locality.
3. The appeal site consists of a petrol filling station and forecourt; a shop, office and showroom; a vehicle workshop; a paint store, and a yard. The site has a relatively narrow frontage, being only about 13 m (about 43 ft) wide at the main petrol pumps, and a total depth of some 60 m (nearly 200 ft). The yard is at the rear of the site, and is reached by a narrow passage between first the shop and then the workshop on one hand, and the side boundary of the site on the other. The application plan shows the yard as having up to 33 parking spaces of the normal size, and permission is being sought to devote 7 of these to cars for sale. None of these spaces is marked out.
4. It was stated at the inquiry on behalf of the appellant that the principal activity carried on (apart from the sale of petrol on the forecourt) was repairing vehicles. Routine servicing was also carried out, as were MOT tests. Mr Jessen also stated that there were normally about 4 cars available for sale. At the inquiry the council showed that according to the standards set out (following discussion with the trade) in the non-statutory review plan "Hertfordshire 1981", the number of parking spaces required on the appeal site to provide for the scale and type of activity at present authorised - which excluded displaying vehicles for sale outside the buildings - is 33. Your client accepted the basis of this calculation, but argued that the result included 6 spaces associated with a showroom. Although there was planning permission for a modern showroom (it would replace the present shop, office and showroom) it had not yet been built, in which circumstance "Hertfordshire 1981" called only for 2 spaces to be provided under this head, making a total of 29.
5. These calculations can only be used as a guide, but as I do not consider that there is room in the yard for any more parking spaces, they show that there is little or no margin to meet further demand. This is borne out by the council's report to the inquiry of their count on 9 June (28 vehicles and one trailer in the yard,

4 Behind the petrol pumps, 3 parked in Great Road, with one customer's vehicle blocking access to the yard); by my count at my inspection (24 vehicles in the yard, excluding my own, plus 4 cars parked tightly behind the petrol pumps). This inspection took place at lunchtime. Mr Jessen asserted that he had never been at a loss for parking space. On the other hand he told the inquiry that his business was tending to expand, which indicates a tendency for the pressure on parking space to increase.

6. In these circumstances I cannot escape the conclusion that to devote in future as many as 7 of the 33 parking spaces available in the yard to vehicles for sale would lead to considerable and increasing spillover into Great Road from time to time of parked vehicles that would hitherto have been accommodated within the appeal site. The standards of "Hertfordshire 1981" to which I have referred include provision for employees' vehicles; but Mr Jessen told us that they already prefer to park their cars in Great Road, so no relief is available from that source.

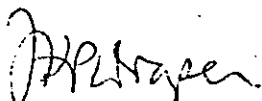
7. In their second reason for refusal the council showed concern for the possibility that Great Road would become obstructed. I doubt whether the proposed development would lead to interference with the flow of traffic; the road is some 7 m (24 ft) wide at the appeal site, is only of local significance, and does not appear to carry much traffic.

8. But I believe that the proposed development would be harmful in several ways. The site is in an area that is allocated primarily for residential development on the approved Town Map. The area surrounding the appeal site has been developed accordingly, the sole other non-conforming use in the vicinity being an off-licence 70 m (about 230 ft) away. I found it a pleasant neighbourhood with plenty of verdure. The displacement of vehicles from the site to the kerbside in Great Road would in itself harm the character of the area. I consider too, that the activity of selling cars would generate more movement (of the potential customer to and from the site, and also by way of test runs in the neighbourhood) than those of the present range of activities that lead to a demand for parking space, and that would have a harmful effect. The increase in movement of vehicles to and from the back of the site would disturb the occupants of adjoining property. This would harm particularly the occupants of No. 10 Great Road, for the passage mentioned in paragraph 3 abuts the rear garden of that property. There would also be some effect of this kind on the occupants of No. 6 and No. 12, part of whose rear gardens abut the rear yard of the appeal site. I realise that the adjoining houses are owned by your clients and occupied by them or members of their family; but this may not always be so, and any occupants of these properties are entitled to protection from disturbance.

9. This is, except for the activities on the appeal site, a tranquil neighbourhood; and I consider that your clients' proposal would do unacceptable harm to its character in the ways I have described. I have taken account of all the other matters raised in the representations, but they do not outweigh the factors that have led to my decision.

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

I am Gentlemen
Your obedient Servant



J H P DRAPER
Inspector