



Department of the Environment and Department of Transport

Common Services

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CH	FILE
9 MAR 1984	2 48
Cleared	MENT
COUNCIL	

R J M Rickaby Esq BA MBA FCA
Rickaby & Company
26 Lower Kings Road
BERKHAMSTED
Herts
HP4 2AB

Your reference

RJMR/LS

Our reference

T/APP/A1910/A/83/8224/PE4

Date

Comments - 8 MAR 84

Ack.

Admin.

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0960/83

- As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the failure of the Dacorum District Council to give notice of their decision within the appropriate period on your application for planning permission for the erection of second floor offices and toilet at No. 26 Lower Kings Road, Berkhamsted, Herts. I have considered the written representations made by you and by the Council. I inspected the site on 7 February 1984.
- The appeal site is a 2-storey terraced building, part of the ground floor and the first floor of which are occupied as offices by your firm. There are 4 parking spaces immediately at the rear of the premises, which are reached from the entrance to a public car park and by a private access way running from it along the rear of the premises. On the opposite side of the accessway are 4 other parking spaces which are rented from the Council under an annual licence.
- Your planning application was made on 22 July 1983. You were informed that you should receive a decision by 15 September but no decision was received by that date and you were not asked to agree to any extension of time. The local authority decided to refuse your application on 13 October 1983.
- From my inspection of the site and its surroundings and from the written representations which have been made the main issue in this case appears to me to be whether or not the parking space available on the site or otherwise under your control would be adequate for the needs of the office premises as proposed to be extended.
- You have stated that the proposed extra storey is intended only to provide extra space and amenity for existing staff and that there are no long-term plans to increase the staff establishment at this office at which 10 people are at present employed. Other premises in London have been acquired where it is intended to employ 5 members of staff. You state that because of staff who walk to work and staff away on audit, the existing car parking facilities are rarely fully utilised. You are prepared to agree to pay a commuted sum in respect of car parking responsibility to raise the number of spaces to 7 as stipulated by the Council and have entered into negotiations with the Council on that matter.
- The local planning authority have stated that the site is within the Commercial Area as shown on the District Plan, policy 19 of which provides a

standard for offices with less than 500 sq m floorspace of one car parking space for every 35 sq m. The floorspace of the office as proposed to be extended would be 263 sq m for which the standard provision would be 7 parking spaces. Although the 4 spaces provided within the curtilage of No. 26 Lower Kings Road are sufficient for the existing floorspace, the authority claim that you are not able to provide additional space in the longer term; the additional 4 spaces at present rented from the Council are on a short-term lease only and the area is due to be developed for public car parking in association with the existing car park. The authority state that at the time of determining the application the Council had not been approached to enter into an agreement for commutation of car parking responsibility.

7. I am satisfied that there is considerable pressure on parking space in the commercial centre of Berkhamsted and I note that the local planning authority consider it to be important to secure that new developments should be self-supporting in the matter of parking provision. It appears to me that the available area within the curtilage of your firm's premises, while it provides parking spaces sufficient for the office premises at their existing size, is not capable of providing additional spaces and there is no evidence of any other area within your control which could provide extra space on a long-term basis. I have noted your statement that 8 parking spaces at present available are rarely fully utilised but I see no reason to believe that the lower figure of 4 spaces which are available on a long-term basis exceeds the provision which is likely to be necessary for the office at its present size. I have also noted that the additional storey proposed is to improve the amenities of existing staff and that no increase in staff numbers is intended but in my view regard must be had to the fact that the extension proposed will be permanent and that the circumstances of your firm may alter, the ownership of the premises may change hands or they may have different occupants.

8. My understanding is that there is no objection in principle to the extension of the premises by the addition of another storey for office use but, in the light of the pressure on parking space, I consider that additional parking provision should be secured on a long-term basis. However, since there does not appear to be any other land within your control which could be used for additional parking space, it is not open to me to approve the development subject to a condition that appropriate extra parking provision be made, and while I have noted that you have entered negotiations with the Council about the payment of a commuted sum no agreement has been concluded to my knowledge.

9. I have taken into account all other matters which have been raised in the written representations, including your suggestion that the projected extension of the car park may be delayed and the extra space at present rented may continue to be available to you. While this may be so, in my opinion it does not affect the need for long-term parking provision to be made in relation to the permanent development proposed. In my opinion none of the other matters is of such substance as to outweigh the considerations which have led to my decision that the proposed additional storey should not be permitted without suitable additional parking provision being secured.

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



R T SCOWEN
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr. R.J.M. Rickaby,
26 Lower Kings Road,
Berkhamsted

Addition of third storey at 26 Lower Kings Road, 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
 11th July 1983 and received with sufficient particulars on
 22nd July 1983 and shown on the plan(s) accompanying such
 application..

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

Insufficient parking space exists within the long term control of the applicant to meet standards adopted by the local planning authority.

Dated 13th day of October 19 83...

Signed

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, 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.
- (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.