

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF **DACORUM**

IN THE COUNTY OF HERTFORD

To **Turner & North Ltd.,**
119 Oakwood Road,
Bricket Wood.
ST. ALBANS,
Herts.

Messrs. Melville Seth-Ward & Partners,
33B Station Road,
RICKMANSWORTH,
Herts.

..... **Two dwellings on land**

at **rear of 83 High Street, Markyate.**

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 **24th July, 1979,** and received with sufficient particulars on .. **25th July, 1979 (as amended 4th September, 1979)** shown on the plan(s) accompanying such application..

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

The access is unsatisfactory and unsuitable for servicing the proposed dwellings.

Dated **13th** day of **September,** 19 **79.**

Signed.....

Designation.....

Director of Technical Services.

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.

D/40/6.5



Department of the Environment

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22 MAY 1980

③ Team 2
note 2 return
file for
DTS report to
D.C.C. 19th June

Turner and North (Builders) Ltd
119 Oakwood Road
Bricket Wood
ST ALBANS
Herts

TECHNICAL SECTION

PLANNING SECTION

22 MAY 1980

FILE
No.

Your reference

Our reference

T/APP/5252/A/79/12223/G6

Date

20 MAY 1980

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/1054/79

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse outline planning permission for 2 detached houses with garages on land to the rear of No 83 High Street, Markyate. 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 28 April 1980.
2. From my inspection of the site and my consideration of the written representations, it seems to me that the main issues to be resolved in this case are whether or not the development would be in keeping with the existing character of the vicinity, and whether the additional use of the access way leading to the site would cause unreasonable disturbance for existing residents, or create difficulties of access for emergency and other services.
3. The appeal site comprises a small parcel of land at the rear of properties in the High Street and is within a conservation area. It is without notation on the development plan but is largely surrounded by residential development. The structure plan policy that relates to development in the core of the village requires plots for residential development to be generally in keeping with the character of the surrounding area and also to be on the same frontage as existing development.
4. Nearby residential development in the High Street consists generally of houses built in a terraced form up to the back of the footway on either side of the road. These terraces are broken at intervals by archways and other openings leading to land at the rear. It did not seem to me at my visit however that any of these openings gave access to houses built at the rear of other properties near the site.
5. There is council housing to the north-east at the rear of the site, but the houses that you propose would not in my view be similar in character either with that development or with other development in the vicinity, nor would it be on the same frontage as any existing development. It would not therefore seem to conform with the structure plan policies relating to the character of residential development within the core of the village.
6. The access to the site is restricted to an opening between properties in the High Street that is approximately 7 ft wide and 8 ft high. This leads to a right-of-way which is little more than 8 ft wide between high walls for part of its length, and some 80 ft long to the boundary of the site. This right-of-way also gives access to the rear of several properties in the High Street and to 2 double garages.

7. While I do not consider that refuse collection would create undue difficulties it seems to me that the addition of 2 further properties to those served by the right-of-way could well lead to conflicts with existing users, and that its narrow width could cause difficulties for delivery and emergency vehicles wishing to gain access to the proposed houses. There might in my view also be an unacceptable increase in the hazards of vehicles manoeuvring in and out of the opening from the High Street, which itself has a carriageway only some 18 ft wide at this point. It is also likely in my opinion that the additional use of the access way would cause increased disturbance and loss of privacy for the residents whose properties adjoin the right-of-way.

8. I have accordingly concluded that the building of 2 houses on the appeal site would not be in keeping with surrounding development and would not be satisfactory in view of the increased difficulties and disturbance that would be created by the additional use of the access way leading to the site. I have taken account of all the other matters raised in the written representations, including the need for new small houses in the vicinity, but they do not seem to me to outweigh the considerations which have led to my decision.

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

I am Gentlemen
Your obedient Servant



B D BAGOT BA(Arch) MCP RIBA MRTPI FRSA
Inspector