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Handwritten initials: JDB, JCB

S P Byrne Esq
20 Western Road
TRING
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PLANNING DEPARTMENT					Your reference	
DACORUM BOROUGH COUNCIL						
P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Ack.	Our reference
					Admn.	T/APP/A1910/A/90/155259/P8
					Date	
Received					28 AUG 1990	
Comments						

24 AUG 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/1160/89

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for the change of use of the basement to a day nursery at 20 Western Road, Tring. I have considered the written representations made by you and by the Council and also those made by Tring Town Council. I inspected the site on 23 July 1990.

2. Although your appeal was submitted in the names of Mr and Mrs Byrne, Goldfield Development Ltd, the planning application to which your appeal refers was made in your name only. Consequently this appeal decision letter is addressed to you as the original applicant.

3. From the written representations and from my inspection of the site and its surroundings I consider the main issues in this case are firstly whether the proposal's provision of off-street parking is inadequate; and secondly the effect of the proposal on residents of adjacent dwellings in terms of noise disturbance.

4. It is clear from your representations and the accompanying drawing that your proposal is for the construction of an extension to the front and rear of the existing basement, and the use of the whole as a day care nursery. The proposed overall floor area of the nursery would be about 79 sq m of which some 16 sq m are proposed as lobby and toilet facility areas. Based on an intake of 27 children to which you refer, and the requirements of Hertfordshire County Council that there would be one member of staff to 3 children under 2 years of age and one for 5 children over 2 years, I consider it likely that at least 7 staff would be employed by the nursery. Some of these would undoubtedly choose to travel to work by car, and would therefore require parking space. A proportion of the clients of the proposed nursery would also arrive at the premises by car to deliver and collect their children, and would necessarily park their vehicles whilst doing so. In my view the proposed nursery would generate a significant demand for car parking in the immediate vicinity of the appeal premises. You have agreed in your representations that there is no provision for vehicular parking within the site. You have suggested that vehicles could park on adjacent land in your control at No 16. However, this land has limited parking space provided for the residents of 16, 18 and 20 Western Road. This parking is accessed by a driveway of insufficient width for 2 vehicles to pass, and consequently no parking space is available along it. You have made specific reference to a total of 12 cars being parked in 4 garage spaces and the general parking area during a party, but such special circumstances

are not in my opinion applicable to the use of the spaces in normal circumstances by the residents of 16, 18 and 20. I therefore do not consider that any off-street parking is available for staff and clients of the proposed day nursery, and that the proposal would give rise to a significant increase in on-street parking in the very busy Western Road leading to the town centre. I saw on my visit that much of the on-street parking space in the vicinity was occupied, and I consider that because of a general lack of off-street parking space in the area, available parking space on the road is at times under considerable pressure. In my opinion the likely increase in on-street parking and associated vehicle manoeuvres resulting from your proposal would give rise to an unacceptable increased risk to the safety and free flow of traffic on Western Road.

5. Turning to the second issue, the proposed nursery would share a party wall with the basement dwelling unit at No 18, and be directly below the residential unit at No 20. Although the activities of the nursery would generate a significant increase in noise within the basement. I consider that construction of appropriate insulation to the ceiling and walls would reduce the noise to an acceptable level. However, in my view there would also be a significant level of noise generated by activities outside the basement, both by the arrival and departure of clients with their children, and the likely use of the rear garden area for nursery activities from time to time. In my opinion the level of noise close to main residential windows above and near to the proposed nursery would be significantly greater than that which residents might reasonably expect within a residential area.

6. You have suggested that all local residents will be away at college or work during the hours of operation of the nursery. I consider this to be an assumption without justification, as it is by no means certain that the residents will always be students or in full-time employment, or that these would always be away from their residences on all normal working days. I therefore do not consider that the effect of noise disturbance should be considered unimportant.

7. I have taken account of all other matters raised in the representations but find none to be of such weight as to alter my conclusions on the main issues.

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

I am Sir
Your obedient Servant

Peto J. Baldwin

P J BALDWIN BSc CEng FICE FIHT MBIM
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To
S P Byrne
20 Western Road
Tring
Herts

.....Change of use of basement to form day nursery.....
.....
at ... 20 Western Road
... Tring, 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 dated7.6.89..... and received with sufficient particulars on5.7.89..... and shown on the plan(s) accompanying such application.

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

1. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.
2. Having regard to the size of the proposed nursery, the development is likely to have a seriously detrimental effect on the amenities currently enjoyed by occupants of adjacent dwellings.

Dated 19th day of October 19 89

Signed.....

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

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.