

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To J M Winn
 Rosemary Cottage
 Northchurch
 Berkhamsted
 Herts

..... Change of use of part ground floor from
 residential to retail
 at 'Rosemary Cottage'
 High Street Northchurch

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 27th September 1982 and received with sufficient particulars on 30th September 1982 and shown on the plan(s) accompanying such application.

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

The proposed development would cause an increase in the number of turning movements to and from the trunk road at a point where the trunk road is narrow and in close proximity to existing junctions, thus interfering with the free flow and safety of traffic.

Dated 11th day of November 1982

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.



**Department of the Environment and
Department of Transport**

Common Services

Room Tollgate House Houlton Street Bristol BS2 9 DJ

Telex 449321

Direct line 0272-218

Switchboard 0272-218811

**CHIEF EXECUTIVE
OFFICER**

21 JUN 1983

File Ref.
Refer to
Cleared

J M Winn Esq
Rosemary Cottage
High Street
Northchurch
BERKHAMSTEAD
Herts
HP4 3Q5

Your reference

Our reference

T/APP/5252/A/83/2253/PE4

Date

Ref.

20 JUN 1983

Ack.

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/1185/82

1. I refer to your appeal which I have been appointed to determine against the decision of the Dacorum District Council to refuse planning permission for a change of use of part of the ground floor from residential to retail use at Rosemary Cottage, High Street, Northchurch, Berkhamstead, Herts. I have considered the representations made by you and by the Council. I inspected the site on 17 May 1983.
2. From my inspection of the site and its surroundings and from the representations made I am of the opinion that the issue to be determined in this case is whether such change of use is appropriate having regard to the location of the property near an existing junction on the A41 trunk road and any likely effect on traffic flow and safety. The single issue of refusal was on the basis that the proposal would cause an increase in the number of turning movements to and from the trunk road at a point where it is narrow and in close proximity to road junctions leading to interference with free flow of traffic and highway safety.
3. The appeal property comprises a detached, timber framed, brick and tiled period residence lying slightly below road level on the north side of the A41 trunk road at Northchurch opposite its junction with Darr's Lane. A modern parade of shops with access to the A41 is located opposite the appeal site. The change of use relates primarily to one room with storage areas.
4. The Council maintain that as the property lies at a junction of roads where the main A41 narrows, any turning traffic will cause vehicles to stop and stand on the trunk road carriageway detrimental to the free and safe flow of traffic and to the distraction of other drivers, even though the proposal is small in scale. They also take into account that the use is intended to be a part-time activity generating usually only one vehicle but with intermittent use of up to 4 using the whole premises. A similar view is held in the submission of the Eastern Regional Director (Transport), Department of the Environment and Transport, on the grounds that visibility from the existing access is poor and below standard to comply with Development Control Policy. The width of carriageway varies from only 6 m to 5 m on the frontage and the property and parking is prohibited on both sides of the trunk road. A traffic count had been undertaken and 8 accidents, involving injury, had occurred in the vicinity of the appeal site from September 1979 to August 1982.
5. You applied for consent for a change of use of one room in 1979 which was refused on grounds of inadequate parking which in the current application was subsequently increased by additional surface area and particularly designed for turning and forward entry to the highway. You conceded arguments about the busy nature and

volume of traffic but felt your use was so marginal an increase in daily turning movements as to be of little problem. You explained the use to be primarily for visitors arriving by invitation which could be at limited flexible hours of opening to avoid daily rush hours. In addition you felt that another precedent of residential estate development close-by had a far greater effect on A41 traffic.

6. From my inspection of the site I am of the opinion that on the particular issue of highway safety any change of use which will involve a commercial element, however small, is bound to add to the existing traffic difficulties which I accept exist at this vulnerable location. I also fully accept both the District Council's viewpoint and the Director of Transport's evidence as to the problems created by turning movements at this location where the road funnels into a narrow stretch within the High Street at Northchurch which condition could only be exacerbated if vehicles were attracted to slow down and stop either for turning purposes or parking purposes related to the new use.

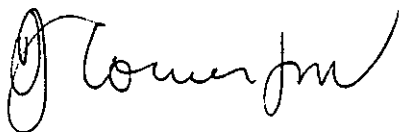
7. Whilst there is no refusal issue of principle to answer in respect of actual change of use itself, I am, persuaded that in a listed Grade II residential building such as this, located well outside any core area of shopping use, I would not consider the premises to be suitable for retail use nor to be in an appropriate location for retail use. In deciding this I have taken into account the fact that a relatively modern shopping parade is sited opposite the premises. That parade is separately located on an existing road which effectively acts as a service area with adequate parking facilities enabling safe stopping and waiting off the busy A41. It is however obvious that right turning vehicles from the trunk road into this shop area already affect the free flow of traffic to which your proposal could only add further interruption. I concede that the present residential use to some extent already generates an established effect upon the flow of traffic of a limited nature but I do not accept that because of the new nature of activity to be concentrated outside normal shopping hours, your proposal would be of such marginal significance as to be of no effect.

8. I have considered all the other representations made but these do not outweigh the reasons for my decision.

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

I am Sir

Your obedient Servant



F J COMERFORD BA MPhil FRICS
Inspector