

C/465/PN/P



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CHIEF EXECUTIVE

13 AUG 1980

N Munro Esq MCC 22nd FIVE WINS*H
21 Penrhyn Avenue
DUNSTABLE
Bedfordshire
LU6 3AH

TECHNICAL SERVICES DEPT.

PLANNING SECTION

13 AUG 1980

Your reference
NM/VGO

Our reference
T/APP/5252/A/CC/4596/G2
Date

12 AUG 1980

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/1263/79

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 the erection of one dwelling on land at the rear of 69-73 (odd) High Street, Markyate, Herts. 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 Monday 28 July 1980.
2. From my inspection of the site and its surroundings and from the representations made, I am of the opinion that the main issue in this case is whether or not the proposal would be seriously detrimental to the amenities of adjoining residents.
3. The appeal site comprises part of an area of disused gardens to the rear of a block of lock-up garages which are within the servicing and garaging area behind Nos 69-73 (odd) High Street, Markyate. Access to the site is via a narrow entrance between Nos 73 and 75 High Street, and the courtyard contains a total of 13 garages and one carport. As well as providing access to the garages, I understand that the courtyard is also used for servicing the shop and Post Office at Nos 71/73 and the bakery at No 75. The appeal site is adjoined to the north-east by a new council estate from which it is separated by a close-boarded fence. Of the properties fronting High Street, Nos 67 and 69 are terraced 2-storey houses and Nos 71/73 are a shop and Post Office with residential accommodation over and all these properties have windows overlooking the site as do the adjoining council houses. A public footpath runs along the north side of No. 69 High Street and connects the council estate with the High Street.
4. I note that the appeal site lies within a Conservation Area which is otherwise without notation on the County Development Plan and that it lies within an area covered by the approved Bedfordshire County Structure Plan.
5. In support of your appeal you have argued that the council development adjoining the appeal site is also backland development and that the proposal would help to screen the new estate from the dwellings fronting the High Street. You maintain that the existing access is adequate for all the traffic now using it and that the increase in traffic caused by the proposed dwelling would be negligible.
6. The council have argued that the proposal would be an undesirable form of backland development, detrimental to the visual and general amenities of the High Street dwellings and that the restricted access to the site is unsatisfactory for servicing a new dwelling. The council have referred to Policy 15 of the approved structure plan which states that the development of a plot within the core of the village must not, by

reason of its location, shape or the topography of the site, derived from the character of the village or the surrounding area. They have also referred to the County Council's approved non-statutory document, Hertfordshire 1981, which states with regard to infilling plots within villages that "the plot must be located on the same frontage as existing development (ie the proposal must not constitute either 'backland' development or be located on an open site opposite existing development)".

7. The appeal site has no rear frontage but comprises an area of unused land in the corner of a rear service courtyard and lock-up garage compound. For this reason I find it difficult to regard it as a building plot in the normal sense or as a site that would be suitable for infilling. The proximity of the houses in the Roman Way estate and the older houses fronting High Street would in my view give rise to an undesirable degree of overlooking between the new dwelling and these houses.

8. The shape and size of the site, with a maximum depth of about 50 ft and a width which tapers from about 30 ft to 15 ft would not, in my opinion, allow for a dwelling with adequate garden area which would mean an unacceptable lack of privacy and amenity space for the residents of the new dwelling.

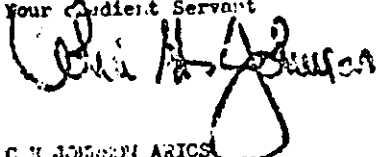
9. Whilst I accept that the additional traffic generated by one dwelling in this location might not be unacceptable, I consider that the coming and going of trades vehicles and Post Office vans and the cars using the garages would be seriously detrimental to the quiet enjoyment of the occupants of the proposed dwelling. I find, also, that I accept the council's description of your proposal as an undesirable form of backland development in that it would be seriously detrimental to the amenities of residents of the new estate and of the adjoining High Street properties.

10. I have taken account of your argument that the Roman Way estate is also backland in character but I consider this to be a purpose-built development, of a well-designed layout. New roads have been provided which allow adequate access and proper siting of the new dwellings in relation to each other.

11. I have also taken account of all the other matters raised in the representations, including your submission that the proposal compares favourably with the conversion to residential use of old maltsheds at Ware. I am not persuaded, however, that these outweigh the considerations which have led to my decision.

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

I am Sir
Your Obedient Servant


C. H. JOHNSON ARICS
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To N. Munro Esq.,
21 Penrith Avenue,
Dunstable,
Beds.

One dwelling - Outline
at rear of 69-73 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 30th August 1979 and received with sufficient particulars on 30th August 1979 and shown on the plan(s) accompanying such application.

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

1. The proposed development would constitute an undesirable form of backland development in a Conservation Area.
2. Access is both unsatisfactory and unsuitable for servicing the proposed dwelling.

Dated 4th day of October 1979

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.