

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No. ....

THE DISTRICT COUNCIL OF DACORUM .....

IN THE COUNTY OF HERTFORD .....

To Robell Investments Limited<sup>8</sup>  
87 High Street  
Hoddesden  
Herts

Duncan Supplies  
21 High Street  
High Wycombe  
Bucks

The erection of two small business centres

(Rear of 254 High St, Berkhamsted)  
at Land off Lower Kings Road, Berkhamsted, 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 dated 14 October 1981 and received with sufficient particulars on 16 October 1981 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 site occupies a position within an area of backland containing mixed residential and commercial uses, and served by inadequate access routes. In the opinion of the local planning authority any further development of the area should be in conformity with a comprehensive plan designed to ensure that new buildings and land uses are appropriately located in relation to one another and that properly planned servicing facilities are provided.
2. As submitted the scheme represents a piecemeal development in poor relationship with adjoining and nearby residential properties and would in addition result in an intensification in the use of already substandard service roads.

Dated ..... 7 ..... day of ..... January ..... 19 82..

Signed.....



Designation 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, 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.



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

Common Services

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HP11 2BE

Your reference  
RFS/JMD

Our reference  
T/APP/5252/A/82/2147/G10  
Date

**14 JUL 1982**

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY ROBELL INVESTMENTS LIMITED  
APPLICATION NO:- 4/1319/81

1. I refer to your clients' appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the erection of 2 small business centres on land off Lower Kings Road, Berkhamsted. I have considered the written representations made by you and by the council. I inspected the site on Thursday 3 June 1982.

2. The issues in this case are whether or not any further development of the area should be in conformity with a comprehensive plan designed to ensure that new buildings and land uses are appropriately located in relation to one another and that properly planned servicing facilities are provided, and, whether or not your clients' proposal represents a piecemeal development in poor relationship with adjoining and nearby residential properties and would in addition result in an intensification in the use of already substandard service roads.

3. The council say that the appeal site is within the Commercial Area of Berkhamsted as indicated in the Dacorum District Plan now on deposit and is also within a designated Conservation Area. They consider that Policies 45, 48, 49, 57 and 58 of the District Plan which are set out in their statement are relevant to the introduction of new industrial or warehousing units.

4. In respect of the first issue I find that your clients' proposed development whilst providing accommodation suitable for small businesses would be sited in an area lying to the rear of commercial properties fronting Berkhamsted High Street and which is currently occupied in a haphazard manner by public car parks and mixed commercial and residential uses. In my opinion, to introduce a small pocket of new development into such an area in the absence of any overall plans for the area would be premature and could prejudice such plans in terms of land use, layout, vehicular access and the provision of services. It is unfortunate that the council have not yet adopted any comprehensive proposals for the area and this should be done as soon as possible so that redevelopment should not be delayed unnecessarily.

5. Because the business units proposed are small, and their precise use not known, in my opinion your clients' proposals may not be in direct conflict with the policies of the District Plan which relate to new industrial or warehousing units but could be in conflict with Policy 45 which relates to vehicular access, circulation, parking and servicing arrangements.

6. On the second issue I agree with the council that the proposed development would have an unsatisfactory relationship with adjoining and nearby residential properties. These properties may be 'non-conforming' in an area for commercial use but they exist and the amenity which the residents at present enjoy should be safeguarded as far as possible. The proposed business units would immediately adjoin the bungalow at No. 38 Lower Kings Road and would be near the cottages at Nos 34 and 36. The nature of the use of the new buildings is not known but it is inevitable that activity of some level will take place at the premises with the possibility of deliveries and collections being made by service vehicles. Vehicular access to the appeal site can only be gained at present over narrow, unmade roads by a tortuous route passing close to the existing residential property. Although the number of additional vehicles using these roads generated by the proposed development may only be a small proportion of the total, it is nevertheless an unsatisfactory means of access and could cause further disturbance to the houses by reason of noise and traffic movements. Before any new development takes place in the area of the appeal site decisions should be made about how the area is to be serviced in the future both by access roads and other services and also due regard should be paid to the protection of the amenity of existing residential property.

7. All other matters raised in the representations have been taken into account but do not outweigh the fundamental objections to your clients' proposal as an isolated piecemeal development which could prejudice the future layout of the surrounding area.

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

I am Gentlemen  
Your obedient Servant

*James L. Grant.*

JAMES L GRANT BArch ARIBA FRTPi  
Inspector