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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