

TOWN AND COUNTRY PLANNING ACTS, 1971 and 1972

SG



**DACORUM BOROUGH COUNCIL**

To N Russo Esq  
1 Holywell Road  
Studham  
Beds

Leslie Gear & Associates  
The Studio  
Common Road  
Studham  
Beds

Change of use from dwellinghouse and shop with flat above  
to two shops and a restaurant with three flats above,  
single and two storey rear extension, provision of  
parking and vehicular access at 55-57 High St, 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  
2 June 1989  
4 August 1989  
and received with sufficient particulars on  
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 are long standing environmental problems associated with the use of  
the existing ground floor unit at No. 55 High Street for the sale of hot  
food. The local planning authority is of the opinion that the subdivision  
of No. 55 to form two units for the sale of hot food would be likely to  
exacerbate the acknowledged problems of noise and disturbance including  
that generated by vehicular movements, to the detriment of the amenity of  
nearby residential properties in both Roman Way and High Street, Markyate.
2. The submitted plans show the provision of six independent planning units,  
comprising of three ground floor commercial units and three first floor  
flats, all of which have a separate point of pedestrian access.  
Notwithstanding that the parking layout provides for an adequate number of  
parking spaces to serve the respective units, the local planning authority  
is of the opinion that six separate units are too many to be accommodated

/cont'd

Dated ..... day of ..... 19

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

## 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 the date 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.

## DC.4 NOTES

at the site failing to meet the Council's environmental standards for the following reasons:-

- (a) The juxtaposition of the proposed vehicular access to No. 40 Roman Way. The location of this access would be likely to be detrimental to the residential amenity of this dwellinghouse by reason of noise and disturbance resulting from the number and nature of vehicular movements.
  - (b) Due to the combined effect of the number of units and the form of the parking layout/rear service yard, conflict is likely to arise between the occupiers of and visitors to the respective residential and commercial units, the result of which is likely to exacerbate the problems referred to in Reason 1.
  - (c) The subdivision of No. 57 High Street to form a shop and flat above would result in the loss of an existing family dwelling unit.
3. It is the duty of the local planning authority to ensure both the preservation and enhancement of the character of designated Conservation Areas in the assessment of proposals for development. The local planning authority is of the opinion that the submitted scheme both detracts from and fails to acknowledge the quality of the Conservation Area of Markyate for the following reasons:-
- (a) The Reasons stated in 1 and 2 above.
  - (b) The design of the roof of the proposed two storey extension.
  - (c) The lack of detail shown on the submitted plans in respect of the design of the shop fronts.

Dated 19th day of April 1990

Signed 

Designation CHIEF PLANNING OFFICER