



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0272-218927  
Switchboard 0272-218811  
Fax No 0272-218769  
GTN 1374

2/DAW  
2/AM  
3/AB

## PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL

Martyn Bramble Associates

Miria House, 1683B High Street

Knowle

SOLIHULL

West Midlands

B93 0LL

Ack.

B.C.

Admin.

File

Your reference:

91/115

Our reference:

T/APP/A1910/A/92/200565/P8

Date: 23 JUN 1992

24 JUN 1992

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY PRIME GARAGES LIMITED  
APPLICATION NO: 4/1502/91

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for variation to condition 11 of APP/A1910/A/83/7600/P5 to allow twenty-four hour operation of filling station at Three Horseshoes Filling Station, Leverstock Green Road, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by the Leverstock Green Village Association and other interested persons. I have also considered those representations made directly by interested bodies and persons to the Council which have been forwarded to me.

2. From my inspection of the site and its surroundings on 28 April 1992 and examination of the representations I consider the main issues in this case are, firstly, the effect the proposal would have on the amenity of neighbours, in terms of noise and disturbance, and, secondly, the effect on the character of the locality. Reference has been made to national planning policy guidance, and to policies in the County Structure Plan and the Dacorum District Plan, and their emerging reviews, which are concerned with these issues and I have taken them into account.

3. The appeal site is located on the north-east side of Leverstock Green Road between the White Horse public house (to the north-west) and a parade of shops with car parking in front (to the south-east). Both these adjoining premises have residential accommodation incorporated and there are other residential properties, at the rear of the appeal site, along Green Lane, and immediately opposite on the south-west side of Leverstock Green Road

4. You have argued that these residential properties are sufficiently distant and/or screened for the occupants not to be disturbed by the proposed overnight opening of the appeal premises. I am unable to agree with that contention. I accept that the garage shop building forms a screen to the ground floor shops in the parade but a number of the residential units on the first and second floors have direct views over, and to the rear of, that building, of the garage forecourt, canopy and car-wash. The occupants of Blacksmith Row, opposite the garage, also have clear views between the individual trees on the green in front of them, to the garage forecourt with its canopy, car-wash and shop entrance. Nearby dwellings in Green Lane, while screened to some extent by their lower ground level and intervening trees can still see the canopy and the car-wash.

5. Most of these properties are, in my opinion, close enough to the garage premises to be affected visually and aurally by activities on the appeal site. During the day, and in early evening, I believe this would be acceptable as part of the normal local business and community involvement. But by the late evening and overnight this general background bustle would be much diminished. In my view, continued use of the filling station during the night would be very noticeable, with such factors as lights (of both the garage itself and of customers' vehicles) engines starting, doors shutting and people using the garage shop. I consider such activities, at a time when the local residents might otherwise reasonably expect the area to be quiet and peaceful, would cause unacceptable disturbance from noise and visual intrusion.

6. You have also expressed the view that the garage, with the adjoining public house and shops, and the neighbouring village hall and Leather Bottle public house, make up a commercial area and that this appeal should be considered in that context. I accept that the group of premises forms a business nucleus but, in my opinion, this is to serve a surrounding community which, with its spacious green and set-back dwellings on the south-west side of the road, I see as essentially a village in style and character. An important element in maintaining that character, to my mind, is the preservation of a normal pattern of village life with daytime activity and night-time peace and quiet. In my view the proposed change in opening hours would tend to disrupt that pattern and introduce a measure of overnight activity more typical of a town-centre. I consider this would seriously detract from the character of the locality.

7. You have drawn my attention to other garages, in Breakspear Way, which have overnight opening and I looked at these, as you requested, on the day of my inspection. To my mind the situation of those garages differs in several important aspects from the appeal site. They are not within a village setting with nearby residential occupants to the same degree as the Three Horseshoes Filling Station. They are also located on a dual carriageway link road to the M1 motorway. I have, therefore, considered this appeal on its own merits. I have also taken into account all the other matters raised in the representations, including the suggestions you make for the reduction of illumination and noise, but they do not outweigh the considerations which have led me to my decision.

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

I am Gentlemen  
Your obedient Servant

  
J F WRIGHT FRICS  
Inspector

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/1502/91 R

Prime Garages Ltd  
23-25 Waterloo Place  
Warwick St. Leomington

Martyn Bramich Associates  
Miria House, 1683B High St,  
Knowle, Solihull,  
West Midlands,  
B93 0LL

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Three Horseshoes Garage, Leverstock Green Road, Hemel Hempstead

VARIATION OF CONDITION 11 OF P/P 4/0924/83 REGARDING OPENING HOURS

Your application for *the retention of development already carried out* dated 05.11.1991 and received on 08.11.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

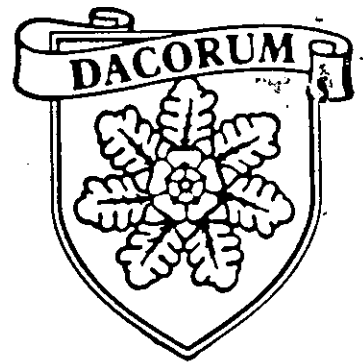
Director of Planning

Date of Decision: 19.12.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/1502/91

Date of Decision: 19.12.1991



The proposed 24 hour operation of the garage would be likely to affect adversely the amenities presently enjoyed by residents in the vicinity of the site.