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Ref	Act				
Case	D.P.	D.C.	D.C.	D.C.	D.C.
Received 02 OCT 1998					
Comments					

Your Ref:

97/124

Our Ref:

T/APP/A1910/A/98/295959/P2

Date:

-1 OCT 1998

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6 APPEAL BY WAXHOUSEGATE INVESTMENTS APPLICATION NO: 4/01528/97/FUL

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Dacorum Borough Council to refuse planning permission for a change of use at ground floor from part retail/part residential back to wholly residential at 71 High Street, Markyate. I have considered all the written representations together with all other material submitted to me. I inspected the site on 8 September 1998.

2. The accommodation in the two buildings at 71 and 73 High Street is interlinked at present, and contains a shop at ground floor level and a flat above. A substantial part of the ground floor area in no. 71 accommodates a post office within the shop unit, with the remainder of the area providing some of the shop's ancillary accommodation and access to the flat above. The proposal relates to the formation of a two storey dwelling in no. 71. As a result, the shop unit would be reduced in area, and it would provide direct access to a flat on the first floor level of that building. I am taking the effect of the proposal on no. 73 into account in my consideration of this appeal.

3. The buildings at nos. 71 and 73 are listed Grade II, and are within the Markyate Conservation Area, which comprises the historic village centre. While listed building consent has been given for the works to which the appeal relates, in reaching my decision I am taking into account the fact that Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also taking into account the fact that Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

4. From the written representations and from my inspection of the site and surrounding area I consider the main issues in this case to be (i) the effect of the proposal on the function of the shopping centre in Markyate, and (ii) the effect on highway safety in the area.

5. The development plan for the area comprises the Hertfordshire Structure Plan (SP) and the Dacorum Borough Local Plan (LP). The Council has referred to certain SP policies, but the text of those policies has not been provided. A number of LP policies have been drawn to my attention; I consider the following to be of particular relevance to this appeal. Policy 2 indicates that development will be permitted in villages such as Markyate if it is compatible with the existing character of the settlement as a large village, and policy 7 relates to land use in towns and large villages. Policy 8 sets out the requirements for development, and includes that the traffic generated can be accommodated on surrounding roads without serious detriment to amenity, safety or traffic flow, and that sufficient space for parking and servicing is provided. Policy 17 encourages the provision of one and two bedroom houses. Policy 34 encourages a broad range of uses in town centres and local centres; and adds that shopping will be a prime component in each centre, while the thrust of policy 40 is that there should be a range of shops in shopping areas. Policy 54 relates to parking, and policy 63 to the retention of social and community facilities.

6. Dealing with the first issue; the shop at 71 and 73 High Street is well placed in the centre of the village, and it is evident that the post office within it provides a very important service to local residents. The proposal includes the relocation of the post office counter in the shop, which would be reduced in area by approximately 10 sq m. You advise that the resulting retail area would be about 48 sq m, and the ancillary accommodation about 18 sq m. You argue that those areas would be greater than the minimum areas of 46 sq m selling area and 14 sq m storage for a village shop to survive, in accordance with the findings set out in The Rural Development Commission's report, Village Shops - A Report on Community Action 1993, which is a material consideration. However, the floor area which you advise would be achieved for the ancillary accommodation appears to include circulation areas to the flat above, which would lead to a considerable reduction in its usable area. The premises serves a large community, and the present shopkeeper advises that a substantial area related to the post office facility is needed. It seems to me that the loss of floor area in the unit would be likely to lead to a material reduction in the range of goods on offer, which would prejudice the future viability of the unit.

7. You advise that the reason for the proposed development is to reduce the rental for the premises. However, the proposed flat would have very small rooms, and in my view it would result in cramped living conditions for a family. As the flat would be interlinked with the shop, I consider that there is the very strong possibility that the restricted nature of the residential accommodation would prove to be a deterrent to future shopkeepers; that would put the future of the unit at risk.

8. Your view is that the post office could cease to operate in any event. It seems to me, however, that there is the stronger likelihood of it being retained in a viable shop unit with a secure future rather than in one which has insufficient area to enable it to operate profitably, and which might prove unattractive to shopkeepers. The advice in paragraph 3.19 of Planning Policy Guidance 6: Town Centres and Retail Developments, is that local planning authorities should seek to retain post offices in district and local centres and in village shops. In my view the proposal would put the objectives of that advice and of LP policy 63 in jeopardy.

9. The Council advises that there is a declining retail presence in the village, and that only 8 out of 15 units are in retail use. You argue that no. 71 is not included as part of the local shopping area as defined in LP policy 40. However, most of the ground floor area of

no. 71 in reality forms part of the shop at no. 73, and there is evidence that it has been in use as a shop for a considerable period of time. Section (v) of the background text to policy 7 advises that, in the case of town and local centres, property behind the frontage is included if access is through the frontage. I do not therefore consider it unreasonable for that part of the shop to be considered as part of the village's shopping area. While the frontage of the shop would not be visibly reduced, the proposal would lessen the role of shopping as the prime component of the shopping area, as defined in LP policy 34. While the proposal would not contravene LP policies 2, 7 or 17, the undermining of the viability of the retail unit would undoubtedly jeopardise the viability of Markyate's shopping area, and as a result the proposal would be contrary to the aims of LP policy 40.

10. I conclude that the proposal would cause significant harm to the function of the shopping area in Markyate.

11. I turn to the second issue. There is at present no off-street parking provision for the shop or flat at 71 and 73 High Street. The Council advises that the parking standards referred to in LP policy 54 would be 1.5 spaces for the proposed dwelling at no. 71, 2 for the shop and 2 for the flat at no. 73. You have provided evidence to show that your client has a right of way to give access to the rear of the appeal premises, and the proposal includes the formation of a parking bay at the rear of the site. Even though the Council considers that the space would be substandard as it would be only about 4.4 metres deep, it seems to me that it would nevertheless be able to accommodate a modestly-sized car. While parking is permitted along the High Street, that road is narrow, and parked vehicles make it difficult for moving vehicles to pass each other. However, the dwelling at no. 71 would have only one bedroom, and with the provision of one - albeit substandard - parking space, it would be unlikely to lead to a great demand for further parking along the High Street. As suggested by the Council, a condition in the event of planning permission being granted, would ensure that parking space would be provided. The reduced flat at no. 73 could well lead to less of a need for parking space than the present flat. I do not therefore consider that the off-site parking needs associated with the proposal would be likely to increase materially.

12. I conclude that the proposal would not cause significant harm in respect of highway safety in the area. In that regard it would not be contrary to the aims of LP policy 8.

13. The proposal would not result in any substantial changes to the exterior of the building. The rear site boundary wall, which would be partially demolished to provide vehicular access, is of comparatively recent construction and does not in my view make an important contribution to the listed building at no. 71 or its setting. Substantial changes have been made to the interior of the building, and I do not consider that the proposed internal alterations would adversely affect its special interest. I conclude that the proposal would to a large extent preserve the listed building and its setting.

14. The conservation area has a mix of residential and business premises, the latter being dispersed mainly along the High Street. Part of the area's character derives from its function as the historic hub of the village. I consider that the proposal would preserve the appearance of the Markyate Conservation Area; however, the harm caused to its function as a shopping area would lead to the proposal's failure to preserve its character.

15. While I have found in your client's favour in certain respects, I do not consider that those matters justify a development which would cause the harm that I have identified to the shopping area and the resulting effect on the character of the conservation area.

16. I have taken into account all of the other matters raised. I have found none of them to be sufficient to outweigh the considerations that have led me to my decision.

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

Yours faithfully

A handwritten signature in cursive script, reading "Frederick Steyn". The signature is written in dark ink on a white background.

FREDERICK F STEYN BArch RIBA
Inspector



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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01528/97/FUL

71-73, HIGH STREET, MARKYATE, ST. ALBANS, HERTS
CHANGE OF USE OF PART GROUND FLOOR FROM CLASS A1 (RETAIL) TO
RESIDENTIAL AND FORMATION OF TWO RESIDENTIAL UNITS

Your application for full planning permission dated 25 September 1997 and received on 29 September 1997 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 14 May 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01528/97/FUL

Date of Decision: 14 May 1998

- 1. The proposal as submitted does not provide for satisfactory off street car parking for the residential units and the retail unit in accordance with the guidelines set out in the Dacorum Borough Local Plan.**
- 2. The proposed reduction in the retail floorspace is likely to significantly undermine the viability of the Post Office. Government advice in PPG6: " Town Centres and Retail Development" emphasises the need to retain village post offices and the crucial role of such shops in maintaining villages as viable communities. The loss of this key outlet would undermine the vitality and viability of the Markyate High Street.**