

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

Other

Ref. No. ....

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To

E. W. Tomblin & Sons Ltd.,  
Ver House,  
London Road,  
MARKYATE,  
Herts.

Allan S. Tomkins, Esq., A.I.A.S.,  
38 Rothesay Road,  
LUTON,  
Beds.

Change of use of ground floor to offices and first  
floor extension to provide offices

at Ver House, London Road, Markyate.

Brief  
description  
and location  
of proposed  
development.

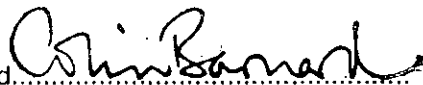
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated  
17th December, 1980, and received with sufficient particulars on  
17th December, 1980, 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 lies within a rural area beyond the Metropolitan Green Belt on the Approved County Development Plan and in an area referred to in the Approved County Structure Plan (1979) wherein permission will only be given for use of land, the construction of new buildings, changes of use or extension of existing buildings for agricultural or other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. No such need has been proven and the proposed development is unacceptable in the terms of this policy.
2. The access to the site, by virtue of its relationship to surrounding residential properties is unsatisfactory to cater for the likely increase in traffic entering and leaving the site.
3. The proposals would affect adversely the visual and general amenities of adjacent dwellings.
4. The allocation of parking spaces within the site is unsatisfactory and does not leave adequate space for vehicles to manoeuvre.

Dated 5th day of February, 1981....

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

Room 13/09

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GTN

| PLANNING DEPARTMENT<br>DACORUM DISTRICT COUNCIL |  |      |      |        |      |
|---|--|------|------|--------|------|
| Ref.  |  | Ack. |      |        |      |
| 0272-218 863                                    |  |      |      |        |      |
| 0272-218811                                     |  | D.C. | B.C. | Admin. | File |
| 2074  |  |      |      |        |      |
| Received<br>Your reference                      |  |      |      |        |      |
| JAS/EO  |  |      |      |        |      |
| Our reference                                   |  |      |      |        |      |
| T/APP/5252/A/81/9541/G9                         |  |      |      |        |      |
| Date  |  |      |      |        |      |

27 NOV 1981

Miss J A Shields BA MRTPI  
24 Parkside Gardens  
Wimbledon Common  
LONDON  
SW19 5EU

Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY E W TOMBLIN AND SONS LIMITED  
APPLICATION NO: 4/1857/80

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for change of use of ground floor to offices and first floor extension to provide offices at Ver House, London Road, Markyate. I have considered the written representations made by you and by the council and also those made by the Markyate Parish Council and interested persons. I inspected the site on 2 November 1981 but have taken account of representations received formally after that date.

2. The appeal site lies at the rear of a row of dwellings fronting onto London Road, the main road through the village of Markyate, between the rear gardens of those dwellings and the Markyate by-pass A5(T). It is roughly triangular in shape and about three-quarters of an acre in extent. At the southern end of the land is a modern 2 storey office building, occupied by Waydun Engineering Limited. At the northern end is a modern single storey brick building occupied by your clients' building firm. Part of this building is the subject of the appeal application. The northern part of the building is used to garage the firm's vehicles, the middle section provides covered storage for building materials and the southern part houses the company's offices. At the time of my inspection builders plant and materials were stored in the open at the northern end of the site. Access to the site is from London Road, by way of a driveway between Nos 53 and 55 London Road. Six foot, close-boarded fencing separates the site from adjoining gardens.

3. Your clients intend that the proposed office building should be occupied by Waydun Engineering Limited. The 1/500 scale site plan forming part of the application shows a proposed 2 storey extension to that firm's present office building, but I note that this has already been erected under permission 4/1342/80.

4. The council have refused permission for 4 reasons: that the development conflicts with their rural settlement policies; that by virtue of its relationship to adjoining houses the access is unsatisfactory to cater for the likely traffic increase; that the proposal would affect adversely the amenities of adjacent dwellings, and that the parking and manoeuvring layout within the site is unsatisfactory.

5. Your clients have indicated that if permission is granted for the proposed development then their operations will be withdrawn from the site. In any event if the proposed development is carried out, there would be no space left for them, apart from the vehicle storage building. From my inspection of the appeal site

and its surroundings, and the representations made, I consider that the main issue in this case is whether the effects of the proposed development would be acceptable in terms of residential amenity and traffic safety.

6. You state that if the proposed development proceeds Waydun Engineering will employ another 30 people on top of their present 51 staff. Clearly this would lead to a sizeable increase in traffic to and from the site and in activity upon it, and given that dwellings abut the access road and that the main part of the site is adjoined by gardens I consider that the additional activity would be seriously detrimental to residential amenity. However your clients' builders yard is a sizeable one and in my opinion it is a source of substantial noise and nuisance, which could increase in the future. From the statistics produced on the appellant company's behalf, which have not been challenged, their operations on the site create more traffic than Waydun Engineering does at present. In the circumstances I consider that the implementation of the appeal proposals, and the resulting removal of the builders yard, would be likely to lead to an overall reduction in traffic to and from the site and in the amenity problems associated with it. The proposed office building would be higher than the existing structure, but not greatly so and I do not consider that the increased height would have a serious effect on the outlook of nearby dwellings. The first floor extension would lead to overlooking of the gardens and dwellings fronting on to London Road. However the distance between the proposed building and the backs of the houses is substantial, between about 150 and 175 ft, and tree planting along the boundary would also reduce the effect.

7. During my inspection I concluded that visibility at the junction between the access road and London Road is satisfactory in both directions. The access road itself is fairly narrow, and without a footpath, but in the vicinity of the junction with the main road I concluded that it is wide enough for 2 vehicles to pass in safety. I have considered the representations from Mr Frost of 57 London Road and the effects of residents parking on the main road but bearing in mind that traffic using the access would be likely to be reduced if the development takes place and the builders yard is closed, I am not persuaded that the proposed development would lead to a deterioration in road safety.

8. In my opinion the position of the buildings and the restricted size of the appeal site mean that space for parking and circulation is not easy to accommodate in a satisfactory layout, particularly as landscaping has to be provided as well. I consider that the provision of parking spaces proposed by your clients is undoubtedly satisfactory in regard to numbers, but I am not persuaded that the layout of spaces and circulation areas in the submitted plan is acceptable. In particular the proposed circulation space at both ends of the building at present occupied by your clients is restricted. In addition I am not satisfied that the landscaping proposals are adequate to screen the proposed development to an appropriate degree. However you have put forward a revised circulation and parking layout and your clients have indicated that they are prepared to see the vehicle storage building demolished if this is considered necessary to improve circulation or parking facilities. In my opinion provided that the garage building is demolished it would be possible to achieve a satisfactory layout of parking and circulation areas. I consider that the site could also accommodate adequate additional areas for landscaping.

9. I have concluded in all the circumstances that although the site is not an ideal one for office use, provided that the development takes place in a satisfactory manner and that the operation of the builders yard is entirely removed from the land the effect on residential amenity and traffic safety will not be such as to justify the refusal of permission and that permission should be given. However in my opinion the capacity of this restricted site will be fully used up by the granting of this permission and if further space is required by Waydun Engineering Limited at a future date new premises should be sought. To ensure that the development is undertaken in a satisfactory manner I shall impose conditions relating to the provision of parking and circulation space and landscaping and to the demolition of the garage building.

10. I have examined the council's representations regarding their rural settlement and office location policies. However, bearing in mind the location of the site within the confines of the village, the existing commercial development on the land, the recent permission for an extension to the present office building, the council's previous acceptance of Waydun Engineering Limited as a firm serving the local community and your clients' willingness to accept an occupancy condition attached to a planning permission, I am not persuaded that the council's objections on these grounds are crucial in this case. However in the circumstances I consider the imposition of an occupancy condition to be reasonable. I have considered all the other matters raised, including all the representations from local residents, but find them of insufficient weight to effect my decision.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for change of use of ground floor to offices and first floor extension to provide offices at Ver House, London Road, Markyate, in accordance with the terms of the application (No 4/1857/80) dated 17 December 1980 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. before the change of use hereby permitted is carried out and before the new accommodation hereby permitted is occupied the vehicle storage building on the site shall be demolished;
3. before the change of use hereby permitted is carried out and before the new accommodation hereby permitted is occupied facilities shall be constructed for the parking and circulation of vehicles within the site, as may be agreed with the local planning authority;
4. before the change of use hereby permitted is carried out and before the new accommodation hereby permitted is occupied a landscaping scheme shall have been completed on the land, as may be agreed with the local planning authority. The scheme shall provide for the planting of trees or shrubs. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 2 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted;
5. for 5 years from the date of the new accommodation hereby permitted being occupied and from the date of the change of use hereby permitted being carried out the premises shall be occupied by a firm substantially serving the local community in Hertfordshire.

12. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of the permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

13. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Madam  
Your obedient Servant



A J J STREET  
Inspector