

26/2000/13



# Appeal Decision

Hearing conducted on 21 June 2000

by **Roland Punshon** BSc(Hons), MSc

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions

The Planning Inspectorate  
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DoP	ED	DP	DC	BC
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Ref: 08 AUG 2000				File
				4 AUG 2000
PLANNING DEPARTMENT DBC				

**Appeal A Ref: APP/A1910/A/00/1040465/P7**

**Appeal B Ref: APP/A1910/A/00/1040455/P7**

- The appeals are made under Section 78 of the Town and Country Planning Act 1990 against refusals to grant planning permission.
- The appeals are brought by Carmichael Securities against Dacorum Borough Council.

### Appeal A

- The Appeal A site is located at 343-345 High Street, Berkhamsted
- The Appeal A application (ref: 4/01944/99/FUL), dated 21 October 1999, was refused on 6 March 2000.
- The development proposed is change of use from car showroom to retail.

### Appeal B

- The Appeal B site is located at 343-351 High Street, Berkhamsted
- The Appeal B application (ref: 4/01954/99/FUL), dated 11 November 1999, was refused on 6 March 2000.
- The development proposed is change of use from used car forecourt/offices and parking to residential creating 8 no. two bedroom and 4 no. one bedroom flats with parking spaces totalling 18 no., with new front boundary wall.

**Decisions: Appeal A - The appeal is dismissed.**

**Appeal B - The appeal is dismissed.**

### Procedural matters

1. None of the drawings submitted with the appeal documentation showed the site boundaries marked in red. Copies of 1:1250 scale site plans were provided to me from the Local Planning Authority's files which showed the boundaries of both the Appeal A and the Appeal B sites. It was agreed by the parties at the Hearing that these were the plans submitted with the original planning applications.
2. With regard to the site plan provided in respect of the Appeal B proposal, it was agreed by the parties at the Hearing that some of the proposed parking spaces and part of the vehicle manoeuvring space shown on drawing 20/051 100 lay outside of the red line. The land in question is part of the land surrounding the adjacent Scout assembly building. A representative of the Scouts attended the Hearing and was fully involved in the discussion of the matter. The appellants have submitted a revised site plan including the land in the control of the Scouts within the application site. I have received copies of correspondence exchanged between the appellants, their solicitors and solicitors representing the Scouts and it is clear that the representatives of the Scouts are fully aware of the changes to the plan. I am satisfied that the interests of neither the Scouts nor any other party would be prejudiced

by my consideration of the amended plan. The interests of the Scouts as landowners would not be affected by any decision I make.

3. I was also agreed by the parties at the Hearing that the window positions shown on the plans and did not correspond with those shown on the elevations of the building the subject of Appeal B and that the position of the retaining wall on the site was inaccurately plotted on drawing 20/051 100. Amended versions of these drawings have been provided which also show the proposed cloths drying area repositioned to avoid the retaining wall. The Local Planning Authority has undertaken a public consultation exercise on the revised drawings. I have taken into account the written comments received in response to the consultation exercise and I am satisfied that the interests of no party would be prejudiced by my consideration of the revised drawings.
4. I have noted that the details of the end elevation of the Appeal B building which are shown on cross section drawing 20/051/103 do not correspond with the main elevations drawing of the building.

#### **The development plan and other policies**

5. The development plan for the area includes the adopted 1995 Dacorum Borough Local Plan and Hertfordshire Structure Plan Review 1991-2011 adopted in 1998. Structure Plan Policy 6 and Local Plan Policy 1 state that development will generally be concentrated in settlements including Berkhamsted. Local Plan Policy 17 encourages the provision of one and two bedroomed flats and houses.
6. Local Plan Policy 8 sets out design criteria which all developments will need to meet if permission is to be granted. Local Plan Policy 102 states that buildings up to 3 storeys in height will be permitted provided that they harmonise with the character of the area. Local Plan Policy 9 states that Environmental Guidelines, which amplify the criteria set out in Local Plan Policy 8, will provide a guide for development proposals. Part 2 of the Guidelines deals with quality of layout and design, Part 3 deals with the layout and design of residential areas, Part 6 deals with parking requirements, and Part 9 deals with open space provision. Local Plan Policy 108 deals with the treatment of important archaeological remains. Local Plan Policy 94 encourages the preservation of trees and woodland.
7. Local Plan Policy 7 states, amongst other things, that residential development will be encouraged in identified residential areas and that shopping will be encouraged in town centres. Structure Plan Policy 4 and Local Plan Policy 34 state that town centres should be the preferred location for developments which attract many trips with shopping being the prime component. Their vitality and viability will be maintained and strengthened. Local Plan Policy 36 states that the existing shopping hierarchy will be strengthened by, amongst other things, encouraging appropriate new retailing in town centres and ensuring that retail development elsewhere complements the role of centres. Local Plan Policy 37 states that quantitative and qualitative assessments will be undertaken to establish the need for new retail developments and such developments will be acceptable provided that the vitality and viability of the town centre is not seriously affected or, if it cannot reasonably be provided in a centre, the development is a necessary extension to the range and diversity of outlets available to shoppers. Structure Plan Policy 16 states that the provision of retail development will be made in accordance with Planning Policy Guidance (PPG) 6: Town Centres and Retail Developments, and a sequential approach. The effect of proposals on the vitality and viability of centres should be considered and development within identified

**12. No work shall be started on any part of the development hereby permitted until either:**

**(a) there has been submitted to the local planning authority in respect of that part of the development evidence that:**

**(i) there is no contamination of the land or groundwater or presence of landfill gas in the land comprising that part to be developed;**

**and**

**(ii) there is no likelihood that such contamination will occur of the land comprising that part of the development as a result of development of other parts of the land the subject of this permission;**

**and the local planning authority have confirmed in writing that such evidence as submitted is acceptable;**

**OR**

**(b) a scheme has been submitted to and approved by the local planning authority indicating the extent of contamination of the land and/or groundwater and/or presence of landfill gas in the land comprising the part of the development and the means by which such contamination and/or gases are to be controlled or removed;**

**and no part of the development shall be carried out other than in accordance with the approved plans.**

**Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development.**

**6. The development hereby permitted shall not be occupied until the arrangements for vehicle parking and the access shown on Drawing No. HR1 shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved. The access road shall not be used for parking and the area hatched green on Drawing No. HR1 shall only be used for the turning of vehicles.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities , in the interests of highway safety and for the avoidance of doubt.

**7. A 2 m x 2 m visibility splay shall be provided each side of the access serving the parking spaces numbered 1 and 2 on Drawing No. HR1, as measured from the edge of the back of the footway, within which there shall be no obstruction to visibility between 600 mm and 2 m above the carriageway footway level.**

Reason: In the interests of highways safety.

**8. The area cross-hatched green shall only be used as garden with the exception of the visibility splay as required by Condition 8.**

Reason: In the interests of the appearance of the street scene. There is adequate parking within the layout to serve the dwellinghouse without the need for the use of this area for additional parking.

**9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within the following Classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, E, F and G;  
Part 2 Classes A, B and C.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

**10. The dwellinghouse shall not be occupied until a level footpath access to the building has been provided and thereafter it shall be retained at all times.**

Reason: In the interests of ensuring access to the dwellinghouse for persons with disabilities.

**11. No development shall take place until full details of the drainage of the site shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that there is an acceptable method of drainage.

**CONDITIONS APPLICABLE TO APPLICATION: 4/01435/99/FUL**

Date of Decision: 07 October 1999

**1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990.

**2. The development hereby permitted shall be carried out in the materials specified on Drawing Nos. HR 5 Rev A and HR6 Rev B.**

Reason: In the interests of the appearance of the dwellinghouse in the street scene.

**3. The ridge level of the dwellinghouse hereby permitted shall be the same as that of No.100 Horsecroft Road, unless otherwise agreed in writing by the local planning authority, and any change in the existing site levels shall be agreed in writing by the local planning authority before any works are commenced on site..**

Reason: In the interests of the appearance of the dwellinghouse within the street scene and area, safeguarding the residential amenity of No.100 Horsecroft Road and for the avoidance of doubt.

**4. The existing boundary fencing shown on Drawing No. HR1 shall be retained at all times unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of safeguarding the residential amenity of No.100 Horsecroft Road.

**5. The dwellinghouse hereby permitted shall not be occupied until the new boundary fencing as shown on Drawing No. HR1 shall have been provided and thereafter this boundary fencing shall be retained at all times. Before the first occupation of the dwellinghouse fences or walls or other boundary treatment for the remaining sections of the site boundary shall be provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be thereafter retained at all times.**

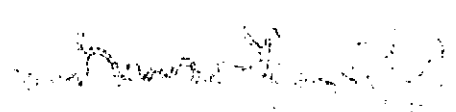
Reason: In the interests of the appearance of the street scene.

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01944/99/FUL**

Date of Decision: 06 March 2000

1. The proposed retail warehouse will occupy an out-of-centre location, contrary to Policies 36 and 37 of the Dacorum Borough Local Plan, Policies 40 and 41 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft, and national planning policy guidance contained within PPG6: Town Centres and Retail Development, which indicate that out-of-centre locations will only be acceptable where the proposed facility cannot be provided in a town centre or edge-of-centre location. The applicant has not demonstrated to the satisfaction of the local planning authority that a more central location is not available within the town of Berkhamsted.

2. Due to the intensification and fragmentation of the land uses within the applicant's ownership, a significant shortfall in vehicle parking spaces will exist in respect of the existing car workshop located to the immediate south-west of the application site. Together, the existing and proposed development will not meet the standards adopted by the local planning authority, as set out in the Car Parking Standards for Hertfordshire (adopted by the local planning authority for development control purposes) and the Dacorum Borough Local Plan 1991-2011 Deposit Draft. Furthermore, a number of the spaces shown on Drawing No. 20/051/201 are difficult to access or are substandard in size. Cumulatively these deficiencies in parking provision are likely to lead to on-street parking in the vicinity of the site at locations which will obstruct the free flow of traffic and lead to conditions prejudicial to highway safety.



**Dacorum Borough Council  
Planning Department**

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BRADLEY ASSOCIATES  
QUARRY WOOD HOUSE  
MARLOW REACH  
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CARMICHAEL SECURITIES  
46 SPRINGFIELD ROAD  
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WEST SUSSEX  
RH12 2PD

TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION - 4/01944/99/FUL**

**343-345 HIGH STREET, BERKHAMSTED, HERTS**  
CHANGE OF USE FROM CAR SHOWROOM TO RETAIL (WINE RETAIL  
WAREHOUSE)

Your application for full planning permission dated 21 October 1999 and received on 10 November 1999 has been **REFUSED**, for the reasons set out overleaf.

A handwritten signature in black ink, appearing to read 'Colin Barnett'.

Director of Planning

Date of Decision: 06 March 2000

Document 9	Letter dated 26 June 2000 from Bradley Associates
Document 10	Copy letter dated 4 July 2000 from Berkhamsted Town Council
Document 11	Letter dated 6 July 2000 from Carmichael Securities with copy correspondence
Document 12	Letter dated 7 July 2000 from Sumner and Tabor
Document 13	Letter dated 5 July 2000 from N and S Barton
Document 14	Letter dated 4 July 2000 from the Local Planning Authority with copy correspondence

## **PLANS**

### **Appeal A**

Plan A	1:1250 scale site plan
Plan B	Drawing 20/051/200
Plan C	Drawing 20/051/201
Plan D	Drawing 20/051/202
Plan E	Drawing 20/051/203
Plan F	Local Plan extract

### **Appeal B**

Plan G	1:1250 scale site plan - superseded
Plan H	Drawing 20/051 100 - superseded
Plan I	Drawing 20/051 101 - superseded
Plan J	Drawing 20/051 102 - superseded
Plan K	Drawing 20/051/103
Plan L	Drawing 20/051/104
Plan M	Local Plan extract
Plan N	1:1250 scale site plan provided by the appellants 26 June 2000
Plan O	Drawing 20/051 100A provided by the appellants 26 June 2000
Plan P	Drawing 20/051 101A provided by the appellants 26 June 2000
Plan Q	Drawing 20/051 102A provided by the appellants 26 June 2000

## **Photographs**

**Appeal A**  
Photographs A- G



Appeal Refs. Appeal A - APP/A1910/A/00/1040465/P7

Appeal B - APP/A1910/A/00/1040455/P7

## APPEARANCES

### FOR THE APPELLANTS

Mr J W Cornwell BA(Hons)(TCP), FRTPI, DMS(Dist), MIMgt, FRSA Bell Cornwell Partnership

Mr N Dancer Carmichael Securities

Mr A Mulleady Bradley Associates

### FOR THE LOCAL PLANNING AUTHORITY

Mr P Jackson BSc(Hons), DipTP, MRTPI Principal Planning Officer

Mr T M Dyson Engineer

Mr C R P Lewis ND, Tech Cert Arb Woodlands Officer

### INTERESTED PERSONS

Mr J Ingram 4 Upper Ashlands Road, Berkhamsted

Councillor G Stevens Berkhamsted Town Council

Mr J Phillipson 2 Queens Road, Berkhamsted

Ms J Thompson 7 West Road, Berkhamsted

Mrs S Gillanders 9 West Road, Berkhamsted

Mr I Gillanders 9 West Road, Berkhamsted

Mr E Pillinger 15 West Road, Berkhamsted

Mrs S Bromley Rosemary, Queens Road, Berkhamsted

Mrs A Windle 8 Queens Road, Berkhamsted

Ms L Pilborough 11 West Road, Berkhamsted

## DOCUMENTS

Document 1 List of those attending the hearing

Document 2 Notification letter and 7 responses

Document 3 Statement and appendices by Mr J W Cornwell

Document 4 Statement and appendices by Mr P Jackson

Document 5 Statement and appendices by Mr T Dyson

Document 6 Statement and appendices by Mr C R P Lewis

Document 7 Accident statistics for High Street/Cross Oak Road provided by the Local Planning Authority

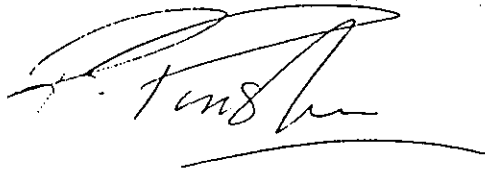
Document 8 Two letters, both dated 6 July 2000, from appellants' agent

between the trees and the building, I consider that the Local Planning Authority would find it difficult to reasonably to refuse such requests.

37. On the fourth main issue, therefore, I conclude that the proposal would be harmful to the character and appearance of the area in that it would be likely to lead to the loss of mature trees adjacent to the southern site boundary in the long term. It would, therefore, be contrary to Local Plan Policy 94 and the equivalent policy of the emerging Local Plan.
38. I have taken into account all the other matters raised but none are sufficient to outweigh my conclusions on the main issues which have led to my decision on this appeal.

**Conclusions – Appeal B**

39. I have concluded that the proposal would be harmful to the living conditions of the occupiers of the proposed flats due to restricted outlook and light, harmful to highway safety due to increased on-street parking and congestion and conflict within the site, harmful to the appearance of the street scene, and harmful to the character and appearance of the area in that it would be likely to lead to the loss of mature trees. For these reasons I conclude that the appeal should not succeed and I shall exercise the powers transferred to me accordingly by dismissing Appeal B.



Inspector

Effect on the appearance of the street scene

32. Being located on the principal road frontage, the site is visually separate from the residential area to the rear and the provisions of Part BCA5 of the emerging Local Plan are not applicable in detail. Nonetheless, the proposal would be in a prominent location on the main route through the town and a sensitively designed development could significantly improve, what is at present, a somewhat undistinguished area.
33. Its narrow width places considerable restrictions on the development of the site. However, I consider that it is important that the development should be in keeping with its general context. The setting back of the proposal behind a short front garden with a wall and railings at the back edge of the pavement would be in keeping with the residential properties to the west. An essentially three storey building, while being of greater scale than the buildings opposite, would reflect the scale of the buildings fronting High Street to the east of Cross Oak Road. However, the horizontal emphasis of the front elevation of the proposal would be emphasised by the squat profile of the mansard roof and I consider that this would be out of keeping with the more vertical emphasis and steeper roofs of the traditional buildings in the area. During my site visit, I saw examples of buildings in the area with mansard roofs and horizontal emphasis to their front elevations. However, these are mainly later infill developments and do not, in my opinion, reflect the general context of buildings in the town.
34. On the third main issue, therefore, I conclude that architectural style of the proposal would be out of keeping with the general context and identity of the area. This would, in my opinion, be harmful to the street scene and would represent a lost opportunity to improve the appearance of this section of principal road frontage. The proposal would, therefore, be contrary to Local Plan Policy 8 and Part 3 of the Environmental Guidelines and their equivalent provisions in the emerging Local Plan.

Effect on trees

35. Along the southern boundary of the site and in the gardens of nos. 3-15 West Road is a line of 17 mature trees, 13 of which are protected by a Tree Preservation Order. These, together with other smaller trees and bushes, form a dense barrier of vegetation which, because of its position on ground which is significantly higher than the appeal site, is a prominent feature in the local street scene. The retaining wall at the rear of the site would provide an effective barrier to the root systems of the trees and, provided that it is retained, I do not consider that the construction of the appeal building would have any direct impact on their health or safety. The appellants do not intend to disturb the retaining wall unless it is necessary for safety reasons. I note that the amended drawings submitted by the appellants no longer show the cloths drying area encroaching south of the retaining wall.
36. The trees would be close to the rear elevation of the proposed building and their crown spreads are such that, in some cases, the branches would almost touch the upper part of the structure. The density of foliage would largely prevent overlooking of the gardens in West Road. However, it would also make the area at the rear of the proposed building dark and would severely restrict light to, and outlook from, bedroom and bathroom windows in the building's southern elevation. The proximity of the trees to the building would also result in the deposit of honeydew on windows and paintwork and would be likely to cause concern to occupiers of the proposed flats at times of strong winds. In these circumstances, I consider that it would be almost inevitable that occupiers of the proposed flats would seek removal or thinning of the trees to improve their living conditions. Given the relationship

consider that the level of privacy would be unacceptable, coupled with the lack of light and outlook at the rear, I consider that the living conditions of the occupants of the flats would be unsatisfactory. In these circumstances, although I consider that the overall level of amenity space provision is acceptable, I consider that its distribution around the building is not.

27. It is proposed to provide 21 car parking spaces. It would be necessary for the appellants to provide 6 replacement spaces to serve the adjacent Scout building. Fifteen spaces would be provided for use by residents of, and visitors to, the proposed flats. This would be below the number of spaces required by the Local Planning Authority's car parking standards as set out in Part 6 of the Environmental Guidelines. However, the appeal site is close to the town centre and is readily accessible by public transport and the size of the proposed flats would make it unlikely that they would be occupied by large family units. In these circumstances and having regard to the advice contained in paragraphs 59-62 of PPG3, I consider that 15 car parking spaces would be sufficient to serve the proposal. Some of the parking spaces are remote from the proposed flats and they would be inconvenient to use. However, I do not consider that this inconvenience is sufficient, by itself, to justify the refusal of planning permission.
28. On the first main issue, therefore, I conclude that, although the overall provision of amenity space and car parking space is acceptable, the distribution of amenity space would have a harmful effect on the living conditions of the occupiers of the proposed flats due to restricted outlook and light. The proposal would, therefore, be contrary to Local Plan Policy 8(a) and Part 3 of the Environmental Guidelines, and the equivalent policies of the emerging Local Plan.

#### Effect on highway safety

29. I have already noted that some of the proposed car parking spaces would be remote from the proposed flats that their use by residents would be inconvenient. In my opinion residents would be unwilling to make use of these spaces which would be provided on the raised area at the western part of the site due to their lack of supervision and the cramped layout. I consider that this would lead to increased levels of car parking in surrounding streets and, more particularly, in dangerous positions on the principal road. The joint use of this parking area by residents and users of the Scout building would result in competition for spaces at busy times and congestion due to the awkward positioning of some spaces and the lack of conveniently located turning and manoeuvring space. This would be particularly dangerous in a situation where large numbers of children would be coming and going. The congestion could result in vehicles reversing out into Queens Road. Given the proximity of the access point to the Queens Road/High Street junction, I consider that this would be hazardous.
30. The parking spaces on the eastern part of the site would be more convenient for use by residents. However, vehicles accessing these spaces and manoeuvring in their vicinity would be in conflict with vehicles leaving the adjacent petrol filling station. This reinforces my concerns regarding the effect that the proposal would have on highway safety.
31. On the second main issue, therefore, I conclude that the proposal would have a harmful effect on highway safety due to increased on-street parking and congestion and conflict within the site leading to dangerous manoeuvring of vehicles on the site and on adjacent roads. It would, therefore, be contrary to Structure Plan Policy 25 and Local Plan Policies 49 and 54 and the equivalent policies of the emerging Local Plan.

## APPEAL DECISION

of vehicles. It would, therefore be contrary to Structure Plan Policy 25 and Local Plan Policies 8(g), 49 and 54 and Part 6 of the Environmental Guidelines, and the equivalent provisions of the emerging Local Plan.

22. I have taken into account all the other matters raised but none are sufficient to outweigh my conclusions on the main issues which have led to my decision on this appeal.

### Conclusions – Appeal A

23. I have concluded that the proposal would be harmful to the vitality and viability of the town centre and to highway safety. For these reasons I conclude that the appeal should not succeed and I shall exercise the powers transferred to me accordingly by dismissing Appeal A.

## APPEAL B

### The Main Issues

24. I consider that the main issues in this case are:

- The effect that the scale of development would have on the living conditions of future occupiers of the proposed flats having regard to the proposed provision of amenity space and car parking space;
- The effect of the proposal on highway safety due to the number and position of the proposed off-street parking spaces;
- The effect of the proposal on the appearance of the street scene in High Street; and,
- The effect of the proposal on the character and appearance of the area having regard to any impact on the long term retention of mature trees adjacent to the southern site boundary.

### Inspector's Reasons

#### Effect on the living conditions of future occupiers

25. The appeal site is long and narrow. The area of external amenity space at the western end of the building would provide some space for residents to sit out or for small children to play. The area to the rear of the building would serve little useful purpose due to its narrow shape, its division by the retaining wall and its level. The area at the front of the building would comprise little more than an access walkway. Given that the building would provide accommodation on 3 floors, I consider that the proposed level of usable amenity space falls below the standard set out in section (ii) of Part 3 of the Local Planning Authority's Environmental Guidelines. However, in the light of the advice contained in the recently published PPG3 concerning the need to make the best use of land in urban areas, I do not consider that this deficiency in the overall level of amenity space provision is unacceptable.
26. The distribution of the amenity space around the building would result in the proposed ground flats having bedroom windows which face towards the retaining wall, slope and trees along the southern site boundary. Outlook from these windows, especially those on the ground floor, would be very restricted and they would receive little in the way of natural light. The windows at the front of the building would be close to the principal road which would reduce privacy levels in the rooms which they serve. While, by itself, I do not

17. No evidence has been put before me to demonstrate that there is a need for the proposal and I cannot conclude, therefore, that such a need exists. There are already a number of shops in the town centre which deal exclusively or partly in wines, spirits and beers. I was informed at the Hearing that some of these sell wines by the case. In my opinion, the profile of the proposed use would not be so different from the existing outlets selling wines, spirits and beers that it could be considered to be complementary. I do not consider that the range and diversity of outlets would be significantly improved. In my opinion, the proposal would compete for trade with other town centre outlets and, given its larger size, could reduce their turnover to the extent that the vitality and viability of the town centre would be harmed.
18. On the first main issue, therefore, I conclude that the proposal would have a harmful effect on the vitality and viability of Berkhamsted shopping centre. It would, therefore, be contrary to Structure Plan Policies 4, 16, and 17, Local Plan Policies 7, 34, 36 and 37, and the equivalent policies of the emerging Local Plan.

#### Effect on highway safety

19. The appeal premises comprise a car sales showroom which operates together with a vehicle repair workshop at the rear. All apart from 2 of the parking spaces which would be provided to serve both units would be located on the appeal site. The site is on a bus route and it is intended to provide a delivery service. However, given the nature of the proposed retailing, which involves selling in bulk quantities, I consider that most customers would come to the premises in private cars. The appellants' agent argued that the number of customers visiting the car sales showroom would not be significantly less than the number who would visit the proposal. However, I consider that numbers would be likely to increase as purchases from the proposed outlet would be much more frequent than those associated with the car showroom. Activities associated with the vehicle repair workshop would inevitably involve regular movement of vehicles. In these circumstances, and given the location of the premises on a principal road and adjacent to a residential area, I consider that, even after taking into account the latest national guidance and emerging Local Plan policies concerning parking provision, it is essential that adequate off-street parking is provided.
20. The spaces shown on the submitted forecourt parking layout would very difficult to use due to inadequate manoeuvring space and I consider that the number of customers' and employees' vehicles that could be realistically parked in this area is substantially less than the number shown. Exit from this area would involve reversing into the stream of vehicles driving into the adjacent petrol filling station in a location where on-street parking could limit drivers' vision. The parking spaces at the side of the building are sub-standard in length and I noted during my site visit that even small vehicles parked in this location overhang the pavement. There is no formal pavement crossing to gain access to these spaces and enforcement of other legislation could prevent their use. The number of spaces shown on the plans as being provided to serve the workshop and the proposal falls below that required by the Local Planning Authority's standards. However, the number of permanently usable spaces is, in my opinion, substantially lower. Even after taking into account that the workshop and the proposal would demand parking space at times which may not overlap, I consider that the proposed level of parking provision would be inadequate to serve the uses and that this would lead to increased competition for on-street parking spaces in the vicinity of a junction on a principal road where demand is already high.
21. On the second main issue, therefore, I conclude that the proposal would have an adverse effect on highway safety due to the inadequate provision that would be made for the parking

**Inspector's reasons**

**Effect on the vitality and viability of the shopping centre**

13. The Berkhamsted shopping area comprises a long, traditional shopping street with only limited depth provided by retail units along side roads and the major supermarket development on land between High Street and the canal. The appeal site is outside the designated shopping area and about 400 metres from the area designated as primary shopping frontage. Annex A to PPG6 advises that edge of centre locations should be within easy walking distance of the primary shopping area, i.e. 200 – 300 metres in the case of smaller centres. In these circumstances, I do not consider that the site is a town centre or an edge of centre location. I accept that it is relatively easy to walk from the site to the primary shopping area. However, I consider that the distance is such that customers would be unlikely to park at the site and walk into the centre or vice versa, particularly if they were buying heavy or large items. The nature of the goods to be sold in the proposed retail unit reinforces my view on this point. The opportunity to make linked trips would, therefore, be limited.
14. Development plan policies and PPG6 make it clear that the preferred location for new retail development is in town centres. Out of centre locations will only be acceptable where no suitable site or premises is available within the town centre or in an edge of centre location. I note that Local Plan Policy 41 states that non-food retailing will be acceptable at Stag Lane which is further from the town centre than the appeal site. However, this policy has been overtaken by the more recent advice in PPG6, which places greater emphasis on town centres, and I note that the emerging Local Plan makes no equivalent provision.
15. Paragraph 3.3 of PPG6 states that large stores selling bulky goods may not be able to find suitable sites in or on the edge of town centres. The appellants' agent argued in the written representations and at the Hearing that the proposed retailing profile involved the sale of bulky goods. The proposed use is the sale of wines, spirits and beers. However, the goods are sold in quantities of no less than 12 bottles or a larger numbers of cans. While I accept that goods in these quantities would be bulky and too heavy to easily carry, it is only the method of selling in bulk which makes them so. I do not consider that this necessarily precludes the location of the proposed use in the town centre provided that car parking is conveniently available.
16. During my site visit I inspected the vacant, former Waitrose building located in the heart of the primary shopping area. I was informed by the appellants' agent that the availability of this building had been investigated. However, the appellants did not consider that it was a suitable location for the type of business proposed, that the building was too large and would be too difficult to sub-divide, and that the current owners are unwilling to release it. The building may not fit with the appellants' ideal profile of the type of unit from which they normally operate. However, I noted during my site visit that it has easy access for the loading and unloading of vehicles and I could see no obvious physical reason why the type of retailing proposed could not be satisfactorily operated from the unit. However, if the current owners are unwilling to release it to the appellants, I cannot conclude that it is available for occupation. No evidence was put before me to show that there are other buildings of a suitable size in the area which are available for occupation by the appellants. In these circumstances, an out of centre location may be acceptable provided that the use complements the town centre and does not unduly affect its vitality and viability.

historic centres, including Berkhamsted, should be consistent with the maintenance and enhancement of the historic core. Structure Plan Policy 17 sets out a sequential approach to the location of retail development. The preferred locations will be town centre sites, where suitable sites and buildings are available, followed by edge of centre sites. If no suitable sites are available in these locations, out of centre developments will be permitted where they would, amongst other things, not unduly affect the vitality and viability of any nearby centre, complement the role of the centre, and minimise the need to travel especially by private car. I note that Local Plan Policy 41 states that non-food retailing will be an appropriate use on the Stag Lane industrial site subject, amongst other things, to there being an acceptable shopping impact.

8. Local Plan Policy 49 requires that development should be compatible with the road network and should be assessed in highway and traffic terms. Structure Plan Policy 25 and Local Plan Policy 54 deal with the provision of appropriate levels of car parking space while encouraging maximum use of public transport.
9. My attention has been drawn to the Dacorum Borough Local Plan 1991-2011 Deposit Draft. At the time of the Hearing, a public local inquiry into the plan provisions was underway. Given the stage that the plan has reached in the plan preparation procedure, I will give it appropriate weight in my consideration of this appeal in the light of the advice contained in paragraph 48 of PPG1: General Policy and Principles. The wording of many of the policies of the emerging Local Plan closely reflects that of the equivalent policies of the adopted Local Plan. I note that Policy 33 of the emerging Plan has removed the earlier acceptance of non-food retailing on the Stag Lane industrial area. Policy 40 introduces a requirement to ensure that retail development takes place in town centres unless it is demonstrated that no suitable sites in the centre are, or are likely to become, available. Policies 50 and 59 place greater emphasis on the need to reduce travel by, amongst other things, locating development in relation to public transport and reducing parking provision in appropriate cases.
10. Policy BTC1 of the emerging Plan seeks to concentrate the shopping focus of Berkhamsted to the area around the High Street/Lower Kings Road junction. Part BCA 5 sets out the appraisal of the character of the area surrounding the sites and seeks to maintain the defined character of each of the roads.
11. I have had regard to PPG3: Housing, PPG13: Transport, PPG16: Archaeology and Planning, Circulars 36/78 and 5/94, and the DETR document By Design, in my consideration of these appeals.

## APPEAL A

### The main issues

12. I consider that the main issues in this case are:
  - The effect of the proposal on the vitality and viability of Berkhamsted shopping centre; and,
  - The effect of the proposal on highway safety having regard to the provision to be made for the parking of vehicles in association with the proposed use and other uses on the site.