

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGHS COUNCIL

To Mr H Burbery  
1 Old Watling Street  
Flamstead  
Herts

Mr K Todd  
Hidaway  
Caddington Common  
Markyate  
Herts AL3 8QF

One dwelling (Outline)  
at Rear of 134/136 High Street, 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 23 November 1988 and received with sufficient particulars on 2 December 1988 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:-

The proposed development will result in problems of parking and turning in this congested area of the village, to the detriment of highway safety.

Dated 23 day of February 1989

Signed [Signature]

Chief Planning Officer

## 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 receipt 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.



**Planning Inspectorate**  
**Department of the Environment**

B/697/JEB/P

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*JJA*  
*JEB*

Mr K Todd  
 'Hideaway'  
 Caddington Common  
 Markyate  
 ST ALBANS  
 Herts AL3 8QF

Your reference

Our reference

T/APP/A1910/A/89/129856/P4

Date

13 DEC 89

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY M BURBURY ESQ  
 APPLICATION NO: 4/2199/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse outline planning permission for one dwelling on land at the rear of 134/136 High Street, Markyate. I have considered the written representations made by you and by the Council and also those made by the Markyate Parish Council. I inspected the site on 24 October 1989.
2. I note that this is an outline application, but detailed proposals have been submitted to show the siting, size and design of the proposal. In the circumstances I shall regard the detailed plan as an illustrative scheme which does not form part of the outline application.
3. From the written representations and my inspection of the site and its surroundings I consider the main issue in this case is whether the proposal would generate vehicular movements and parking which would give rise to an unacceptable risk to highway safety.
4. The site is at present occupied by 2 garages, 2 parking bays, and a garden area. From my inspection I noted that not all of the 4 vehicle parking spaces are in use. Although at the time of my inspection Markyate High Street and the London Road continuation were almost completely lined by on-street parking for a considerable distance, George Street, to which the appeal site has its main frontage, was very quiet, with very little on-street parking. In my view the number of vehicles parked there would increase outside normal working hours; however, I am of the opinion that vehicular movements and on-street parking associated with Sursham Close, George Street and King Street are not so extensive as to be significantly affected by vehicular movements generated by the proposal.
5. Vehicle parking arrangements nearby and elsewhere in the village have a similar character to those which would be incorporated in the proposed development in terms of highway access, and in my view these are compatible with the surrounding area of Markyate. I note that the County Surveyor has raised no objection to the proposal on highway grounds. The nature of the roads in these village back streets is such that traffic will necessarily be travelling at quite low speed near the appeal site, and in my opinion there would be no increased risk of accident. I have concluded that the proposal would not give rise to any unacceptable risk to highway safety, and propose to allow this appeal accordingly.

6. Turning to the development conditions suggested by the council, on the first matter I do not consider it proper or appropriate to qualify the provision of the Town and Country Planning (General Development) Order 1988 relative to the proposal. On the second matter the question of window location is a matter for the council to determine with your client under reserved matters.

7. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for one dwelling on land at the rear of 134 and 136 High Street, Markyate in accordance with the terms of the application No 4/2199/88 dated 23 November 1988 and the plan submitted therewith, subject to the following conditions:-

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority;

b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;

2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

8. An applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this 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.

9. 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 Sir  
Your obedient Servant

*Peter J. Baldwin*

PETER J BALDWIN BSc CEng FICE FIHT MBIM  
Inspector