

1) M.B.  
2) J.B.  
3) JOANNE  
4) TEAM 1.

# Department of the Environment and Department of Transport

Common Services

Room 1310 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 858

Switchboard 0272-218811

GTN 2074



Messrs Faulkners Estate Agents 49 High Street KINGS LANGLEY C.P.O. D Herts WD4 9HU		PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL	
Ref.		Ack.	
C.	Admin.	File	
Received		-9 JUL 1985	
Comments			

Your reference  
GJS/RMD/8140  
Our reference  
T/APP/A1910/A/84/24376/P2  
Date

**5 JUL 85**

Gentlemen

~~TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9~~  
 APPEAL BY SHAVRIN LEVATAP COMPANY LIMITED  
 APPLICATION NO:- 4/0793/84

- I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum District Council to refuse planning permission for the erection of a first floor factory extension at 34 Waterside, Kings Langley. I held an informal hearing into the appeal on Tuesday 4 June 1985.
- The premises subject of this appeal are a detached building with a high double pitched roof and a rear single storey flat roofed extension. It stands on a plot about 35 ft wide and 155 ft deep with a forecourt adjoining a road at the front and vehicular access to another at the rear. A detached precast garage stands in the rear curtilage.
- The proposal is to build a pitched roofed extension at first floor level over the flat roofed rear structure and to lay out the curtilage for the parking of 12 cars to meet council car parking standards.
- From the submissions made and my visit to the site and its surroundings I consider that my decision turns on the impact of the new building on nearby residential amenities and the adequacy of car parking arrangements.
- The site has an established light industrial use. Manufacturing including the use of machine tools is carried on in the original building and the extension is used for light assembly work and is occupied by 10 female part time workers.
- No objection is made to the appearance of the proposed extension, its roof line would be lower than the main pitched roof and I consider its presence would not affect the property to the north where it would adjoin the end of a rear garden about 100 ft deep and some 75 ft wide. There would also, in my view, be no effect on the flat roofed office building adjoining the west end of the south boundary of your clients' premises. I am however concerned about the impact on Moat Cottage. That dwelling is so positioned that its amenity space is on the east and north sides which adjoin the site. Because of the distances between elevations, some 43 ft, I believe the building mass of the new structure would not impinge unduly on the living conditions of the occupants of Moat Cottage but the new elevation facing those premises contains 2 windows. Although the plans show those windows to be glazed with obscure material they are able to be opened and were that the case there would be a significant and unacceptable overlooking of the residential property with loss of privacy and the possibility also of noise disturbance from the proposed assembly room use.

7. In the matter of car parking I find that because of the light industrial use of the site it is reasonable for the council to seek adequate standards. However, having regard to your clients' long tenure of the premises, the type of operations and the characteristics of the work force it would be reasonable, in the interest of aiding small businesses to lower those standards. However the submitted layout is deficient in several important respects for the accommodation of even, say, 9 motor cars. Because of the normal traffic flow and the traffic generation of other nearby uses, the Waterside forecourt parking accommodation should be such as to avoid unnecessary on and off-site manoeuvring. The plan shows parking places 2 and 3 to be mashed by No. 1. At the rear it would be difficult to extract the car on place No. 6 without disturbing that on No. 10 and places 8 and 9 could not, in my opinion be used easily because of the location of No. 11. These defects could result in additional unacceptable on-street parking or noise and disturbance from the manoeuvring of vehicles on the site and amount to material planning objections. In coming to that conclusion I have not considered the history of dispute with the occupier of Moat Cottage which shares the rear access as that is not a planning matter.

8. I note your clients' offer to resite the windows to which I have referred or to provide alternative means of daylighting of the structure. They also offer to reposition the detached garage to the north-east corner of the site. Those amendments would, in my opinion, go far to removing objections to this proposal but they are too fundamental to be achieved by the imposition of planning conditions.

9. I have taken account of all other matters raised in the submissions paying special attention to the employment arguments put forward and the advice given in Circular 22/80 regarding aid to small businesses but in my view there are sound planning objections to the proposal in its present form.

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

I am Gentlemen .  
Your obedient Servant



E GREEN  
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

AJP

THE DISTRICT COUNCIL OF DACORUM  
IN THE COUNTY OF HERTFORD

To Shavrin Levatap Co Ltd  
34 Waterside  
Kings Langley  
Herts

Messrs Faulkners  
49 High Street  
Kings Langley  
Herts

..... First floor Extension .....

.....

at ..... rear 34 Waterside, Kings Langley, .....

.....

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 ..... 5th June 1984 ..... and received with sufficient particulars on ..... 15th June 1984 ..... 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 proposed extension will result in an intrusive feature detrimental to the amenities of adjoining residential property.
- (2) The proposal would generate additional demand for car parking which cannot satisfactorily be accommodated on the site.

Dated ..... 16th ..... day of ..... August ..... 19 84 ..

Signed ..... *Wim Barnard* .....

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, 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.
- (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.