

ADMINISTRATIVE COUNTY OF HERTFORD

The Council of the BOROUGH OF
URBAN DISTRICT OF **BERKHAMSTED.**
RURAL DISTRICT OF

TOWN & COUNTRY PLANNING ACT, 1962

To Messrs. Olney Brothers Ltd.,
Bedford Street,
BERKHAMSTED.

Four open fronted parking bays
at Bedford Street, Berkhamsted.

Brief description and location of proposed development.

In pursuance of their delegated powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council on behalf of the Local Planning Authority hereby refuse the development proposed by you in your application dated 8.10.65 and received with sufficient particulars on 13.10.65 and shewn on the plan(s) accompanying such application.

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

The applicant's existing premises are within a residential area on the approved Berkhamsted Town Map. The proposal, in the opinion of the Local Planning Authority, would extend and consolidate a non-conforming use, to the detriment of the nearby residential development.

Dated 16th day of December, 1965

J. C. Redding
Clerk/Surveyor of the Council.

NOTE.

(1) If the applicant wishes to have an explanation of the reasons for this refusal 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 by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 23 of the Town and Country Planning Act, 1962. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such 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 provision of Section 17(1), 18(1) and 38 of the Act and 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 Minister of Housing and Local Government, 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 Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 129 of the Town and Country Planning Act, 1962.

(4) In certain circumstances, a claim may be made against the local planning authority or the Minister of Housing and Local Government for compensation, where permission is refused, or granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 123 and Part VI of the Town and Country Planning Act, 1962.

MINISTRY OF HOUSING & LOCAL GOVERNMENT

REF APP/839/A/6772
W/2179-65

5th December, 1966.



Sir,

Town and Country Planning Act 1962 - Section 23
Appeal by Olney Brothers Limited
Land adjoining Jado Works, Bedford Street,
Berkhamsted

1. I am directed by the Minister of Housing and Local Government to refer to the report of his Inspector, Mr. D. Jones, M.I.Mun.E., M.R.S.H., on the local inquiry into your clients' appeal against the decision of the Berkhamsted Urban District Council, acting on behalf of the Hertfordshire County Council, to refuse planning permission for the provision of four open fronted parking bays on the land described in the heading to this letter (Application No. W/2179/65).

2. A copy of the Inspector's report is enclosed.

The Inspector in his conclusions said that he was of the opinion that while the provision of off-highway parking facilities to accommodate your clients' commercial vehicles would help to reduce the parking congestion in Bedford Street, this consideration did not outweigh the planning objection to the expansion of their existing premises and to the resulting consolidation of a non-conforming industrial use within a residential neighbourhood. The proposed parking facilities would intrude on the small backland garden area between Bedford Street and William Street and could not but detract from the privacy of the occupiers of the nearby houses fronting these roads. The Inspector recommended that the appeal be dismissed.

4. The Minister sees no reason to disagree with the Inspector's conclusions and he accepts his recommendation: accordingly he hereby dismisses your clients' appeal.

I am, Sir,
Your obedient Servant,

(H. C. HOLLINGTON)

Authorised by the Minister
to sign in that behalf.

P.J. Fountaine Esq.,
27 Castle Street,
BERKHAMSTED,
Herts.

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BERKHAMSTED URBAN DISTRICT COUNCIL.

APPEAL by OLNEY BROTHERS LIMITED against the refusal of planning consent for the erection of four open fronted parking bays at Jado Works, Bedford Street, Berkhamsted, Herts.

1. BERNARD ERIC ANDREW BADMAN will say :-

I am an Associate Member of the Institution of Municipal Engineers.
I am Engineer and Surveyor to the Berkhamsted Urban District Council.

2. The appeal site is in the north-eastern part of the Urban District and is situate in Bedford Street, on the West side at its southern end. The land is bounded on the North, East and West by residential development and on the South by the Grand Union Canal.

Much of the surrounding residential development is old and substandard and may be the subject of redevelopment in the future. The houses immediately adjoining the premises of the appellants are more modern, having been erected in the late nineteen thirties.

The main access to the site from the town area is off the Trunk Road.A.41, via Ravens Lane, over a narrow Canal bridge and thence along George Street and into Bedford Street, which is a turning off the South side of George Street at its eastern end. The portion of George Street at the junction with Bedford Street is unmade and unadopted, but the remainder of George Street to the West is maintained by the local authority on behalf of the County Council.

Bedford Street itself is a cul-de-sac having an appreciable incline towards the Grand Union Canal. It is an unmade and unadopted private street, without footways, and approximately 235 feet in length by 25 feet in width. Residential dwellings, 12 in number, are sited on both sides of the road and have shallow building lines of 3 feet to 5 feet. At the southern end of Bedford Street are a number of lock-up garages with a common entrance from Bedford Street.

3. The premises were originally used as a Builder's store and yard. In the mid 1940's they became used for industrial purposes.

1960? — In December 1959 the present appellants made application to use the premises (which were then vacant) for woodworking purposes. Upon consideration of the circumstances and the previous use of the premises, the Council concluded that no change of use was proposed, nor any planning consent required. The appellants were so informed and their application was withdrawn. They then occupied the premises for the purpose of their business.

4. The appeal site, which immediately adjoins the rear of the premises mentioned above, originally formed part of the gardens of residential property to the North, and fronting upon George Street. It is within a residential area on the Berkhamsted Town Map, which formed part of the County Development Plan approved by the Minister in 1958. This zoning is unchanged in the first review Map which is under consideration by the Minister.

5. It is the policy of the Local Planning Authority to restrict the intensification of industrial use in areas of the town where this would be contrary to the provisions of the approved Town Map and applications for the extension of the premises in question were refused in 1964 and 1965 (Plan Nos.285/64 and 78/65) for this and other reasons.

The appeal site is in the North East part of the Urban District and is situate in Bedford Street on the West side at its Southern end. The land is bounded on the North, East and West by residential development and on the South by the Grand Union Canal.

Much of the surrounding residential development is old and substandard and is likely to be included in an area for the subject of comprehensive redevelopment ^{in the future} that immediately adjoining the factory site is more modern having been erected in the late 1930's.

The main access to the site from the Town area is off the Trunk Road ^{A.A.} via Ravens Lane, over a narrow Canal bridge and thence along George Street and into Bedford Street which is a turning off the South side at its Eastern end. George Street at its junction with Bedford Street is unmade and unadopted, the remainder of the street in a Westerly direction together with Ravens Lane are public highways maintained by the Local Authority.

Bedford Street itself is a cul-de-sac and is an unadopted unmade road without footways and approximately 235 ft. in length x 25ft in width; residential dwellings, 12 in number, are sited on both sides of the road and have shallow building lines of 3 to 5ft; a number of lock-up garages are sited in blocks on the East side of the road.

At the present time vehicles, associated with the business, park and are loaded and unloaded in the highway, ^{this} causing inconvenience to residents, and this is emphasised by the shallow building lines ^{mentioned above.}

The premises were originally used as a Builder's store and yard up to about the mid 1940's when it became used for Industrial purposes. In 1960 Messrs. Olney Bros., made application to use the premises for woodworking purposes, The Council gave full consideration to the proposal, and it was decided that the proposed use did not constitute a change of use and the applicants were notified and the application was regarded as having been withdrawn.

In 1961 Messrs. Olney Bros were granted permission to rebuild part of the factory building. ^{This involved the conversion of a single storey building into a two storey bldg.} ~~The land originally formed part of the gardens of residential property to the North, and is within a residential area on the Berkhamsted Town Map which formed part of the County development plan approved by the Minister in 1958, this zoning is unchanged in the first review Map which is under consideration by the Minister.~~ ^{which is the subject of his application and front on George Street}

^{September} It has been the policy of the Local Planning Authority to restrict the intensification of this Industrial use and an application in 1964 ^{(Plan 287/64) at rear of the premises} for an extension of the building was refused for the following reasons :-

- (a) That the proposed extension would involve the use of land which is shown on the Town Map as being zoned for residential purposes.
- (b) That an extension of the existing factory premises would be detrimental to the visual and other amenities of the immediate residential area.
- (c) That an extension of the existing factory premises would be likely to increase the number of vehicles attending the premises and that the present and any proposed extension of the factory premises indicates no provision for car parking facilities other than in Bedford Street.

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Another application, made on 1st March 1965, (Plan 78/65)
A ~~later~~ application for permission for ~~an~~ extension was ^{a single storey at the rear of the premises}
also refused for the following reasons :-

- (a) The applicant's existing premises are within a residential area on the Berkhamsted Town Map and the proposed extension of the building and its use for industrial purposes would consolidate a non-conforming use.
- (b) The proposed extension and the increased use of the applicant's premises which would be likely to result from their extension would be likely to adversely affect the amenities of the residents of dwellings in the vicinity.
- (c) No provision is made within the site for the parking of cars associated with the proposed extension which would thus increase the present unsatisfactory conditions in Bedford Street.

In the ^{present} application, the subject of this appeal, the access to the proposed parking bays would be from Bedford Street through the ^{present} workshop, which would ^{necessitate} leaving part of the ground floor space clear for vehicular access, which in practice ^{may} not prove to be an ideal arrangement, ^{and the possibility cannot be ruled out that} in which case the parking area would be ~~likely to be~~ put to other use.

(to contain
offices and toilet
accommodation)

and the open
parking bays

6. In the present application (Plan No.278/65) which is the subject of this appeal, the access to the proposed parking bays would be from Bedford Street through the entire length of the present workshop, which would necessitate leaving part of the ground floor space clear for vehicular access. In practice this may not prove to be an ideal arrangement and there is a possibility, which cannot be ignored, that the parking area and the open parking bays would be put to other use.
7. On consideration of all the circumstances the Council adhered to their previous views and refused the application for the following reason:

The applicant's existing premises are within a residential area on the approved Berkhamsted Town Map. The proposal, in the opinion of the Local Planning Authority, would extend and consolidate a non-conforming use, to the detriment of the nearby residential development.