

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0010/91

R.Burgin  
Yew Tree Farm  
Bovingdon  
Herts

Mr.D.Clarke  
47 Gravel Lane  
Hemel Hempstead  
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Yew Tree Farm, Chipperfield Road, Bovingdon,

FIRST FLOOR OFFICE / STORE EXTENSION TO GARAGE

Your application for *full planning permission* dated 03.01.1990 and received on 07.01.1991 has been *REFUSED*, for the reasons set out on the attached sheet(s).

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

Director of Planning

Date of Decision: 21.02.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0010/91

Date of Decision: 21.02.1991



1. The application site is outside the Commercial Area and proposed local centre of Bovingdon and the proposal is therefore contrary to the provisions of Policy 7 of the Dacorum Borough Plan Review and Policy 53 of the adopted Dacorum District Plan, which seek to control the spread of office development into residential areas.
2. The proposed building by reason of its scale, form and height would be unsympathetic and harmful to the character and appearance of the Conservation Area.



# Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House, Houlton Street, Bristol BS2 9DJ

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T.C.P.M.	D.P.	Def.	Env.	Admin.	File	GTN	1374
Received						Your reference	
4 NOV 1991						9158	
Comments						Our reference	
1SA						T/APP/A1910/A/91/188191/P8	
						Date	
						- 1 NOV 91	

David Clarke Esq  
47 Gravel Lane  
Boxmoor  
HEMEL HEMPSTEAD  
Hertfordshire HP1

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY RICHARD BURGIN ESQ  
APPLICATION NO:- 4/0010/91

- 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 planning permission for a first floor office/store extension to garage at 'Yew Tree Farm', Chipperfield Road, Bovington, Hertfordshire. I have considered the representations made by you and by the Council, and those made by the interested person. I have also considered the views of the Bovington Parish Council submitted prior to the determination of the application. I inspected the site on Friday 27th September 1991.
- Although the application is described as being for a first floor extension the permitted single storey garage has not yet been constructed and therefore the proposal is in fact for permission for the whole building and I have determined the appeal accordingly. I have however taken into account the fact that the ground floor has been permitted already.
- The appeal site is part of a builders yard which has been in existence for many years, such that this use is lawful or established. The site is used primarily for the storage of building materials and equipment and for the parking of associated vehicles. There are several buildings used for offices and storage purposes as well as the dwelling 'Yew Tree Farm' located on the site frontage. Most of the builders yard including the site of the proposed building is in the southern corner of the Bovington Conservation Area.
- From my assessment of the merits of the appeal I conclude there are two main issues. Firstly the effect on the character and appearance of the Conservation Area. Secondly, whether this is an appropriate location for office development.
- As to the first issue, the proposed building would be erected at the edge of the Conservation Area and its proposed external appearance would be in keeping with that permitted for the ground floor. The design is somewhat utilitarian but with the use of good quality materials and careful design of windows and doors it could be of pleasant enough appearance. The proposed staircase is rather a weak feature. However it would be barely visible from most directions within the Conservation Area and there is a thick belt of trees along the adjacent boundary to screen it from the other direction.

6. This part of the Conservation Area is characterised by modern residential development, apart from Yew Tree Farm and the builders yard, and I do not think that another new two-storey building would appear unduly bulky or look out of place. The proposed development would replace existing unsightly buildings and improve an existing untidy corner of the builders yard. In my assessment the proposal would adequately preserve and enhance the character and appearance of the Conservation Area such that permission should not be withheld because of the effect of the proposal upon it.

7. So far as the second issue is concerned the site seems likely to remain in non-residential use since there appear to be no proposals from either the Council or the appellant to relocate the existing business. I note that the Council recently permitted office use in the flat in the first floor of the building at the site entrance and it must therefore have concluded that the site was appropriate for further modest commercial development. I reach the same conclusion in respect of this proposal.

8. I understand and support the policies to which the Council refers which are intended to prevent the spread of commercial uses outwards from the predominantly commercial areas into those areas more appropriately used for residential purposes. However in the circumstances here existing I can see no harm arising from the provision of 102 sq.m of office space within a long established builders yard for occupation by the building company. In this respect I note that policies 31 and 32 in the Deposit Draft Local Plan provide for new development for employment generating uses and particularly for small firms.

9. I do not think that the proposed development will have any adverse effect on nearby residents in terms of visual impact or the generation of traffic and general activity. This conclusion is reinforced by the lack of objections to the proposal from residents and the Parish Council.

10. I have also taken account of the advice in PPG4 which encourages a sympathetic attitude towards proposals which will assist small businesses. In this case the permitting of this development will free residential accommodation in Yew Tree Farm at present used for office purposes by the business. In the absence of identifiable demonstrable harm I therefore conclude that this appeal should succeed subject to a condition to ensure that the use of the building is ancillary to the operation of the builders yard.

11. I have in reaching my decision taken into account all the representations submitted including all the policies referred to by the Council and the fact that the offices currently on site are occupied independently. However nothing causes me to change my conclusions as to the merits of your appeal.

12. For the above reasons, and in the exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a two storey building containing garage, storerooms and toilets on the ground floor with offices above at Yew Tree Farm, Chipperfield Road, Bovington, Hertfordshire in accordance with the terms of the application (No 4/0010/91) dated 3rd January 1991 and the plans submitted therewith, subject to the following conditions:

1. the development shall be commenced before the expiration of 5 years from the date of this letter.
2. no development shall commence until details of the materials to be used for the external surfaces of the building including bricks, tiles and joinery shall have been submitted to and been approved by the local planning authority and the development shall be carried out and completed using only the approved materials.

3. the use of the building hereby permitted shall be only for purposes ancillary to the use of the site as a builders yard and not without further permission from the local planning authority for any independent office or business use.

13. An applicant for any consent, agreement or approval required by a condition of 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.

14. The developer's attention is drawn to the enclosed note relating to the requirements of The Buildings (Disabled People) Regulations 1987.

15. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

I am Sir  
Your obedient Servant

A handwritten signature in black ink, appearing to read 'F A Robinson', written in a cursive style.

F A Robinson BSc MPhil DipTS FRTPI MCIT  
Inspector