

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To West End and Metropolitan Dev. Ltd.,
25 Wimpole Street,
London W1M 7AD.

Messrs. Dennis Lister & Associates,
Captain Cook House,
Cleveland Centre,
Middlesbrough.

..... Alterations to existing two storey rear extension at 232 High Street, Berkhamsted, Herts.
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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 17 December 1985 and received with sufficient particulars on 7 January 1986 and shown on the plan(s) accompanying such application.

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

The proposal to replace a mono-pitch roof with a flat roof would detract from the character and appearance of the Berkhamsted Conservation Area.

Dated 13 day of March 19 86....

Signed.....

SEE NOTES OVERLEAF

P/D. 15

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.



Department of the Environment and Department of Transport

Common Services

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18837

2 DEC 1986

CPO 22/12

PLANNING DEPARTMENT				Ack.		Your reference	
DACORUM DISTRICT COUNCIL				Admin.		File	
C.P.O.	D.P.	D.C.	B.C.	Date		Our reference	
				22 DEC 1986		T/APP/A/1910/A/86/51346/P4	
Received				18 DEC 86			
Comments							

Dennis Lister and Associates

Chartered Architect and Surveyors

Captain Cook House

Cleveland Centre

MIDDLESBROUGH

Cleveland TS1 2PA

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY WEST END AND METROPOLITAN DEVELOPMENTS LIMITED
 APPLICATION NO:- 4/0016/86

1. As you know 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 the reconstruction of a first floor offshot building and provision of a staircase at No 232 High Street, Berkhamstead. I have considered the written representations made by you and by the council and also those made by the Town Council. I inspected the site on 12 November 1986.

2. The site forms part of the rear of No 232 High Street. In common with other neighbouring retail and commercial premises on the north side of the High Street, No 232 has a rear access yard beyond which is a public car park. Further to the north is the Grand Union Canal. The appeal site is situated within a conservation area. I noted on my site visit that part of the proposed work had already been carried out in respect of the replacement of the original monopitch roof by a flat roof, but I have not allowed this aspect to influence my consideration of the scheme in terms of its own merits.

3. From my inspection of the site and its surroundings and from the representations submitted I consider that this case turns on whether or not the flat roof of the reconstructed building is likely to be detrimental to the character and appearance of the conservation area.

4. You have referred to the findings and recommendations of the Consulting Engineers who advised on the structural defects of the outbuilding; their report indicated that it was necessary to replace the structurally unsound monopitch roof of the building with a flat roof. You have argued that the change in appearance arising from these works is a minor consideration only, particularly when viewed in the overall context of the rear elevations of High Street properties, the majority of which have flat-roofed extensions. You have claimed that a flat roof would not detrimentally affect the environment in any way and that in your opinion it represents an improvement.

5. For their part the council have referred to relevant planning policies concerning environmental improvement, particularly in relation to conservation area. They have claimed that because the rear of No 232 is open to public view from the car park, any development should seek to enhance the appearance of the area; in the council's opinion this aspect is particularly important since the site is located close to the Grand Union Canal and within a conservation area, and a flat roof on a 2-storey building would be unacceptable in this location.

6. I found on my site inspection that although the site can be seen from the public car park and the canal it forms part of an area of rear outbuildings and service yards, the character of which is extremely diverse and of little architectural significance. Many of these rear extensions are large, prominent buildings with flat roofs, as you have pointed out. Given the Unprepossessing nature of this part of the conservation area it is understandable that the council should wish to pursue environmental improvements; nevertheless I consider it to be germane that the small area of flat roof with which this appeal is concerned would be well screened by 2 substantial 2-storey buildings on either side, thereby limiting its impact on the appearance of the area. In addition it seems to me that the reduction in the height of this rear wing would have the beneficial effect of enabling the attractive, traditional hipped roof of the main building to be seen clearly from the public domain rather than being partially obscured by the monopitch roof.

7. These considerations lead me to conclude that the flat roof would not serve to harm the character and appearance of the conservation area and in these circumstances I can find no sound and clear-cut grounds to dismiss this appeal. I have also taken into account all other matters raised but they are not sufficient to outweigh the considerations which have led me to my conclusions.

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the reconstruction of a first floor offshot building and the provision of a staircase at No 232 High Street, Berkhamsted in accordance with the terms of the application No 4/0016/86 dated 7 December 1985 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

9. The developer's attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

10. 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. Your attention is drawn to the provision of Section 277A of the Town and Country Planning Act 1971 (inserted into the Act by the Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of any building in a conservation area.

I am Gentlemen
Your obedient Servant

Terence Povey

T N POVEY BA BArch MA FRTPI RIBA MBIM
Inspector

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