



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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AS Ann

Mr J Hussain
18 Flatfield Road
Hemel Hempstead
Herts
HP3 8EX

Your Reference:
RH/JDD/2447/472
Council Reference:
4/0031/96EN
Our Reference:

T/APP/C/95/A/1910/641378

DEPARTMENT
DACORUM BOROUGH COUNCIL

Date: 13 AUG 1996

DP	DP	DP	DP	Admin	File
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Received 15 AUG 1996

Comments

Dear Mr Hussain

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
LAND AND BUILDINGS AT 18 FLATFIELD ROAD, HEMEL HEMPSTEAD

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against an enforcement notice issued by the Dacorum Borough Council concerning the above mentioned land and buildings. I have considered the written representations made by you and the Council. I inspected the site on 6 August 1996.

THE NOTICE

2. (1) The notice was issued on 24 November 1996.
- (2) The breach of planning control as alleged in the notice is the change of use of a single storey side extension to an independent residential unit.
- (3) The requirements of the notice are to:
 - (i) cease the occupancy of the extension and garage as a separate residential dwelling;
 - (ii) reinstate the garage and construct the parking spaces in accordance with plan reference Wren/NAJ/061/1205/93, LA ref: 4/1205/93; and
 - (iii) reinstate and thereafter retain the connecting doorway between the main dwelling and the extension.
- (4) The period for compliance with these requirements is six months.

GROUND OF APPEAL

3. Your appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act as amended by the Planning and Compensation Act 1991.

SITE DESCRIPTION

4. Nos 2 to 30 Flatfield Road are located in two terraces on either side of a green amenity area. Your home is an end of terrace property adjoining Kiln Ground, with a single storey side extension incorporating a garage. This was erected as a "granny annex", but is now occupied as a separate residential unit comprising a lounge with kitchenette, a bedroom, and a bathroom. There is an opening from the lounge to the garage, which is blocked at the present time, and a door from the lounge in the extension to a lounge in your house. On the concreted forecourt to the extension there were 3 cars parked at the time of my visit.

THE APPEAL UNDER GROUND (a)

5. The Dacorum Borough Local Plan was formally adopted in April 1995, and policy 8 requires a high quality in all development proposals, which should be appropriate in terms of layout and site coverage, and provide sufficient parking space. From my consideration of all the representations made, and my visit to the site and its surroundings, in my opinion, the main issue in this case is whether the occupation of the extension as a separate residential unit results in overdevelopment with inadequate parking facilities and amenity space.

6. The Council's standards for parking provision require 2.5 spaces for your house, and 1.5 spaces for the separate unit in the extension, making 4 in all. The garage could provide one space, and at the time of my visit there were 3 cars parked on the forecourt. However, only one car could be moved, without moving others. This is inconvenient when all the cars belong to members of one family, and is totally unsatisfactory when two separate households are involved. This could result in at least one car being parked on the road for the sake of easy movement. The houses in Flatfield Road do not have off street parking, and consequently there is a considerable amount of parking on the street. It has been suggested that additional spaces could be provided at the rear of the extension, but this would involve parking directly in front of the bedroom windows, which would be unsatisfactory and indicates that too much is being crammed onto a small site.

7. The Council's Environmental Guidelines also require a rear garden with a minimum depth of 11.5 metres. The garden to the rear of the extension is only 10m in depth, although the Council do not raise a serious objection on this account. However, if additional parking were to be provided at the rear, the garden would become unacceptably small. I conclude therefore that to use the extension as an independent unit of accommodation would result in overdevelopment resulting in poor amenities for the occupiers and inadequate parking provision.

8. There is also the point that there are other sites nearby, one opposite your property, which could accommodate similar development. If this appeal were to be allowed, it would be extremely difficult for the Council to resist other similar proposals, which would increase overdevelopment in the area to the extent of harming the pleasant character of the neighbourhood. The appeal therefore fails, and I will not grant planning permission on the application deemed

to have been made under section 177(5) of the Act as amended.

9. I have taken into account all the other matters raised, but none is sufficient to make me alter my decision.

FORMAL DECISION

10. For the above reasons, and in exercise of the powers transferred to me, I dismiss your appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under S177(5) of the amended Act.

RIGHTS OF APPEAL AGAINST DECISION

11. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against my decision to the High Court are enclosed for those concerned.

Yours faithfully

N. Harris

Mrs V Harris BA(Hons) DipTP MRTPI
Inspector

ENC



TOWN AND COUNTRY PLANNING ACT 1990
DACORUM BOROUGH COUNCIL

APPLICATION FOR PLANNING PERMISSION

Applicant:
15, Church Lane, Hemel Hempstead,
Herts.

Mr. J. A. [Name]
15, Church Lane, Hemel Hempstead,
Herts.

DEVELOPMENT ADDRESS AND DESCRIPTION

15 Church Lane Road, Hemel Hempstead, Herts.

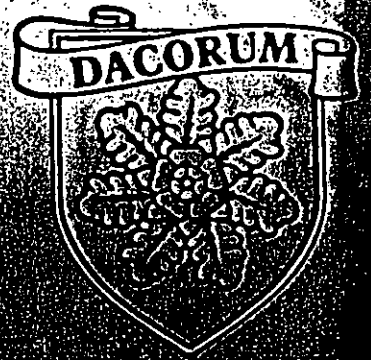
CHANGE OF USE OF GRANNY ANNE (1) AND GARAGE TO INDEPENDENT RESIDENTIAL UNIT

Your application for *the retention of development already carried out* dated 14.10.1994 and received on 17.10.1994 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 01.12.1994

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION 4/13/5/04

Date of Decision: 01.12.1994

1. The proposed development is excessive in scale and is not in accordance with the requirements of the relevant planning regulations. The proposed development is excessive in scale and is not in accordance with the requirements of the relevant planning regulations.
2. The density of development proposed is excessive and will have a detrimental impact on the surrounding area. The density of development proposed is excessive and will have a detrimental impact on the surrounding area.

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