

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To **Oakwood Properties Ltd.,
23 Queensway,
Hemel Hempstead,
Herts.**

**N. Freeth, Esq.,
Messrs. Freeth & Co.,
4 Times House,
179 Marlowes,
Hemel Hempstead, Herts.**

..... **Change of use shop to office**

.....

at **25 Queensway, Hemel Hempstead, Herts.**

.....


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 **10th January 1986** and received with sufficient particulars on **13th 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 proposed development would be contrary to the provisions of Policy 90 of the Dacorum District Plan in as much as the proposal will result in the loss of another shop unit in an area where there already exists a predominance of non-shop uses.

Dated **20th** day of **February** 1986.....

Signed..... 

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.

C111



**Department of the Environment and
Department of Transport** 18490

Common Services

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CHIEF EXECUTIVE OFFICER	
11 NOV 1986	
File	
Route	CPO 14/11
Clear	

~~JMB~~
2) ~~MB~~

~~3) BARRIE~~
4) TEAM 1.

Messrs Freeth & Co
Chartered Surveyors
4 Times House
179 Marlowes
HEMEL HEMPSTEAD
Herts
HP1 1BB

Your reference JMH/LM			
Our reference T/APP/A1910/A/86/52198/P2			
Ref.	Date	Ack.	
C.P.O.	D.P. 12 NOV 86	Admin.	File
Received		11 NOV 86	
Comments			

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEALS BY OAKWOOD PROPERTIES LTD
APPLICATION NO: 4/0036/86

- 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 change of use from retail to an estate agents' office at 25 Queensway, Hemel Hempstead, Herts. I have considered the written representations made by you and by the council. I inspected the site on 2 October 1986.
- From my inspection of the site and surroundings and the representations made I consider that the main issue is whether or not the proposed use would seriously conflict with the intentions to retain the character of the area as a Principal Shopping Area.
- The appeal site is on the inside of a bend on a short stretch of Queensway which in fact forms an elongated junction of 5 roads. No waiting is allowed in front of the site from Monday to Saturday between 8.30 am and 6.30 pm and this also applies to the opposite side of the road, but in addition there is a no loading restriction on the same days between 8 am and 10 am and 4 pm to 6.30 pm. At the time of my inspection in the morning-traffic was quite busy and a post office van at the nearby post office presented a slight difficulty to the free flow. A short distance to the north up High Street shops seem to predominate but to the south it is some distance past an area of public buildings before the primary shopping area of the town commences.
- Whilst I accept that there is a considerable number of non-retail uses in the vicinity, those retail uses that exist seem to tend towards the specialist shop rather than the general. I particularly noted shops specialising in babyware, fireplaces and surrounds, cane work, upholstery and 2 model centres. There are also car sales, wine bars and hairdressers. Customers of these shops are therefore aware of the goods and special services offered and impulse buying probably forms a smaller part of the overall business. I also noted an empty shop at 21 Queensway and 2 other boarded up shops in the High Street. It seems to me that shopping areas of this nature can more easily accommodate the non-retail use such as estate agents rather than a primary shopping area and clearly a smart well maintained premises in estate agents use is more uplifting to the character of the area than a closed and neglected empty shop. The adjoining property now in estate agents use has an attractive shop type window with a recessed doorway and contributes more to the character of the conservation area than the appeal site in its present state.

5. While therefore the policies of the council intended to preserve the shopping character of specific parts of the town have much merit and should wherever possible be upheld it seems to me that the appeal site has certain exceptional characteristics. Firstly it is very small and would clearly create storage and servicing problems. Secondly, it is located as described in an earlier paragraph virtually at a junction and servicing from the street could cause some traffic disruption. Thirdly, the proposed use is one identified in the policies as acceptable with certain qualifications. In the circumstances therefore, although the proportion of non-shop uses in this short length of Queensway is now equally balanced, I take the view that to allow the appeal would not seriously affect the clearly more defined shopping character of High Street or in fact of Marlowes to the south.

6. I have noted all the other matters raised in the representations including the reference to the appeal decision for the adjoining property at 23 Queensway, but neither this, nor all the other matters raised are of sufficient importance in my view to outweigh the considerations that have led to my decision.

7. In the event of the appeal being allowed the local planning authority have suggested a condition should be imposed limiting the proposed use to an estate agents office only. Because the relevant policies specifically identify this form of office as being acceptable in a shopping area in certain circumstances I consider that a condition of this nature would be necessary and appropriate. It is also clear that any alterations to this building in a conservation area would have to be the subject of a separate application.

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use from retail to an estate agents' office at 25 Queensway, Hemel Hempstead in accordance with the terms of the application No 4/0036/86 dated 10 January 1986 and the plans submitted therewith, subject to the following conditions:

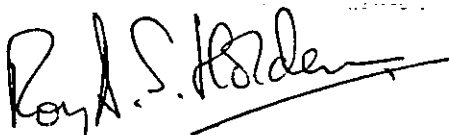
1. The development hereby permitted shall be begun not later than 5 years from the date of this letter.

2. This permission relates to the use of the premises for an estate agents' office and no other purpose, including any other purpose in Class II of the schedule to the Town and Country Planning (Use Classes) Order 1972.

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



ROY A S HOLDEN DipArch RIBA
Inspector

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