

Town Planning  
Ref. No. .... **M/0038/76** .....

**TOWN & COUNTRY PLANNING ACTS, 1971 and 1972**

Other  
Ref. No. .... **66/760** .....

THE DISTRICT COUNCIL OF ..... **DA COSM** .....  
IN THE COUNTY OF HERTFORD

To **Commission for the New Towns, Agents: Wm. F. Johnson & Partners,**  
**Swan Court, 39a High Street,**  
**Waterhouse Street, Hemel Hempstead.**  
**Hemel Hempstead.**

**Internal alterations and porches**  
.....  
.....  
at **13 & 15 Astley Road, Hemel Hempstead.**  
.....  
.....

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 permit the development proposed by you in your application  
dated **16th January 1976** .....

and received with sufficient particulars on **19th January 1976** .....

and shown on the plan(s) accompanying such application, subject to the following conditions:-

- (1) The development to which this permission relates shall be begun within a period of **five** years commencing on the date of this notice.
- (2) **The materials used externally shall match those on the existing buildings of which this development shall form a part.**

The reasons for the Council's decision to grant permission for the development subject to the above conditions are:—

- (1) To comply with the requirements of Section 41 of the Town & Country Planning Act, 1971.
- (2) To ensure the appearance of the development is satisfactory.

Dated.....20th.....day of.....February.....19.....76

Signed..........

Designation Director of Technical Services.

NOTE

(1) If the applicant wishes to have an explanation of the reasons for this decision 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 appeal to the Secretary of State for the Environment, in accordance with section 36 of the Town and Country Planning Act 1971. within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.

(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State 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 Common Council, or on the Council of the county borough, London borough or county district in which the land is situated, as the case may be, 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.

(4) 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 section 169 of the Town and Country Planning Act 1971.



Department of the Environment  
Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 498

TMS See T.B. 8902/77. 68/76D

Mr P A Ludlam  
119 River Park  
Boxmoor  
HEMEL HEMPSTEAD  
Herts

RECEIVED  
23 JUN 1977 (26)  
SECRETARY'S DEPT.

Your reference  
LPA ref: TBJR/JH/2447/49/0/1  
Our reference  
APP/252/C/76/159 & 160  
Date 22 JUN 77 and 2057-2060

Sir

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 88  
LAND AT 63 MILL VIEW ROAD, TRING; 15 CEMMAES COURT ROAD, HEMEL HEMPSTEAD AND  
1 AND 2 CHAULDEN VIEW, LONDON ROAD, BOXMOOR, HEMEL HEMPSTEAD  
APPEALS BY MR P A LUDLAM

1. I am directed by the Secretary of State for the Environment to refer to the report of the Inspector, Mr A G Bunn CBE MA, who held a local inquiry into your appeals against 6 enforcement notices served by the Dacorum District Council, acting on behalf of the County Council, relating to:-

- NOTICE I: a material change of use of 63 Mill View Road, Tring to multiple residential occupation;
- NOTICE II: a material change of use of 15 Cemmaes Court Road, Hemel Hempstead to multiple residential occupation;
- NOTICES III and IV: a material change of use of Nos 1 and 2 Chaulden View, London Road, Hemel Hempstead to multiple residential occupation;
- NOTICES V and VI: the formation of an access to a highway at Nos 1 and 2 Chaulden View, London Road, Hemel Hempstead.

2. The appeals were on the following grounds as set out in section 88(1) of the Town and Country Planning Act 1971:-

- (NOTICE I: grounds (a) and (d), but at the inquiry the appeal was withdrawn;
- (NOTICE II: grounds (a) and (d);
- (NOTICES III to VI: ground (a).)

3. A copy of the Inspector's report of the inquiry is annexed to this letter. His conclusions are set out in paragraphs 26 to 27 and his recommendation at paragraph 28 of the report. The report has been considered.

SUMMARY OF THE DECISION

4. The formal decision is set out in paragraph 11 below. The appeal against Notice I was withdrawn at the inquiry. The appeals against Notices II to VI fail

and the enforcement notices are upheld. Planning permission is not being granted for the development enforced against.

#### REASONS FOR THE DECISION

5. It is noted that you withdrew your appeal against Notice I at the inquiry because you had restored the property to single occupancy. No further action will be taken therefore by the Secretary of State in respect of Enforcement Notice I.

#### Notice II - ground (d)

6. Although the allegation in the notice refers to 3 units and not 4 as actually created it is agreed with the Inspector that this error is immaterial and capable of correction under the powers contained in section 88(4)(a) of the 1971 Act. The notice will be corrected accordingly.

7. It was claimed that the property had an established use for multiple occupation and that it was either 2 flats or one flat and 2 bed sittingrooms when you bought it, although it was not let at the time as the owner wanted to be able to give vacant possession.

8. The evidence, and facts found by the Inspector, which are accepted show that the property had been owned and occupied by the former owner, a widow, since 1934. From 1959 onwards the widow intermittently let the 3 upstairs rooms for occupation by up to 2 people, with shared use of the bathroom. After purchase in 1973 you converted the property with 2 self-contained flats downstairs, one flat and one bed sittingroom upstairs. On the evidence it is not considered that you have discharged the onus of proof which rests upon you to show that the property was in use for multiple residential purposes before the beginning of 1964 and that such use has continued since the end of 1963. When you converted the property into 4 units after 1973 and it was used as 4 separate units it is considered that a material change of use occurred constituting development for which planning permission was required but not obtained. The appeal on ground (d) therefore fails.

#### Notices II to VI - ground (a)

9. On the planning merits of the appeals the Inspector concluded as follows:-

No. 15 Cemmaes Court Road is too small a property, with too restricted a frontage among other similar properties in the road to be suitable for use other than as a single family dwellinghouse. The complaints of those living nearby confirm that the noise and general disturbance made by the occupants of 4 independent living units in a small semi-detached house, and the parking problems caused by their cars and their respective visitors' cars are harmful to the neighbouring residential amenities.

As regards Nos 1 and 2 Chaulden View, London Road, the extra noise and the coming and going resulting from the replacement of a single family by the occupants of 3 independent living units in each are not likely to disturb neighbours as the properties are comparatively isolated. It is undesirable however for a small property fronting a Trunk Road with a sub-standard single carriageway to be sub-divided into independent living units thereby giving rise to more traffic to and from the property. Even if parking space were available in the limited curtilage some vehicles would tend to park outside on the carriageway. Nor would it be appropriate to allow an access directly on to the Trunk Road and so add to turning movements

into and out of the traffic streams. That there is a Garage adjacent involving frequent movements of vehicles on to and off the main road does not justify the making of an access to Nos 1 and 2 where space for the parking and turning of vehicles is so limited that manoeuvring in the carriageway and consequent interference with the free and safe flow of traffic would sometimes be inevitable.

He recommended that planning permission should not be granted and that the enforcement notices should be upheld.

10. These <sup>conclusions</sup> ~~conditions~~ and the recommendation are accepted and for the reasons given by the Inspector it is not proposed to grant planning permission for the uses and development enforced against. The appeals therefore fail on ground (a).

#### FORMAL DECISION

11. For the reasons given above the Secretary of State directs that enforcement notice II be corrected in the allegation and in the requirements by the deletion of the words "(three units)" and the substitution therefor of the words "(four units)". Subject thereto the Secretary of State upholds enforcement notices II to VI and refuses to grant planning permission for the development involved.

#### RIGHT OF APPEAL AGAINST DECISIONS

12. This letter is issued as the Secretary of State's determination of the appeals. Leaflet A, which is enclosed for those concerned, sets out the rights of appeal to the High Court against the decision and the arrangements for the inspection of documents appended to the Inspector's report.

I am Sir  
Your obedient Servant

MISS E TREANOR  
Authorised by the Secretary of State  
to sign in that behalf

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