

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD

To Trustees of Sunnyside Mens Social Club
 George Street
 Berkhamsted
 Herts

Mr G Sills
 52 High Street
 Berkhamsted
 Herts

Replacement Clubhouse and 4 Dwellings (Outline)
 at Sunnyside Mens Social Club,
 George Street; Berkhamsted; 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 14 January 1988 and received with sufficient particulars on 14 January 1988 and shown on the plan(s) accompanying such application.

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

1. The proposed development is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary amenities and vehicle parking facilities.
2. The proposal, involving a larger clubhouse with modern facilities, would be likely to result in an intensification of the use of the site to the detriment of the amenity of a predominantly residential area by reason of increased activity within the locality served by an inadequate unadopted section of highway.
3. The siting of the new clubhouse would be detrimental to the amenity of "Loreley" due to the positioning of windows which would result in a loss of privacy and cause general disturbance.

Dated Twenty-fifth day of February 19 88

Signed [Signature]

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.



Planning Inspectorate
 Department of the Environment
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26893

CHIEF EXECUTIVE OFFICER

13 OCT 1988

File no.
 Refer to *C.E. 13/10*
 Cleared

G.Sills, Esq
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Our Reference: PLANNING DEPARTMENT					
T/APP/A1910/A/988/096448/P5					
Date: 12 OCT 88					
Ack					
C.P.O.	D.P.	D.C.	B.C.	Admin	File
14 OCT 1988					
Comments					

Sir,

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY THE TRUSTEES OF SUNNYSIDE MENS SOCIAL CLUB
 APPLICATION NO: 4/0057/88

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum District Council to refuse outline planning permission for the erection of three 2 storey 3 bedroom dwellings, garages, replacement clubhouse, service road and parking areas at the Sunnyside Mens Social Club, George Street, Berkhamsted, Herts. I have considered the written representations made by you and the district and town councils, and also those made by interested persons. I visited the site on 3 October, 1988.

2. The planning application, and refusal certificate referred to the erection of four dwellings at the appeal site. A modification to the application was accepted by the council and it is agreed that the application considered related to only three houses, the fourth having been omitted following discussion with the councils officers on the basis of illustrative plans. The appeal therefore properly relates to a proposal which included three dwellings.

3. From my inspection of the site and its surroundings, and from the written representations I consider that the main issues in this appeal are whether the proposed development would be an overdevelopment of the site, leading to car parking outside the confines of the site, and an unacceptable increase in activity in the locality; and whether the proposed clubhouse would unacceptably harm the amenities of residents of the adjacent dwelling, due to overshadowing and disturbance.

4. The appeal site is a large rectangular plot of land in two parts. The main part lies to the south of George Street, and runs down to the Grand Union Canal, sloping gently in that direction. To the north of George Street is a smaller area of land, most of which is taken up with a steep embankment. A short distance behind the frontage of the main part of the site, occupying a little under half its width, is an old hall covered in corrugated iron sheet. The remainder of the site is unkempt and unused. To either side are dwellings which are situated on roughly the same building line as the hall. George Street is an unmade cul-de-sac, developed all along its southern side. Some

of the dwellings are newly constructed, as is one on the north side. Local policies encourage new residential development, as long as adequate standards of design and infrastructure are met.

5. It is proposed to redevelop the entire site, constructing three dwellings about 24m from the canal tow path, accessed by way of a road ending in a parking court which also serves three garages. A new hall would be built for the club, and the overall size of the building would be increased by about 55%. You explain that the intention is to keep the useful floor area for club activities roughly the same, but to add modern toilet facilities, and although the illustrative plans show a canteen and committee room in addition to a main room of roughly equivalent area to the present building, I accept that its overall capacity is unlikely to be much greater than the existing building. Nevertheless, the improved facilities could be expected to make the club more attractive, even if the present limit on membership is retained, and a heightened level of activity would be expected.

6. I do not consider there to be any objection in principle to the erection of the three dwellings, together with a garage and parking space for each, and there would be little difficulty in accommodating a service access as illustrated, provided that one parking space were omitted to allow turning. I do not accept the councils view that the access road shown has inadequate width, and with the use of shared surface techniques there would be ample room for access even to the councils standards. The use of the site for these purposes would however limit the possibility of providing parking for the club. The plans show 7 spaces in addition to those necessary for the dwellings. The councils standards indicate a need for about 22 spaces to serve the public floorspace and committee room. The standards appear to me to be reasonable, although no information is given of their derivation. There would thus be a shortfall in the supply of parking space, which could lead to overflow into the residential parking, or parking on the street, causing inconvenience for other road users and disturbance to residents. However, you state that the club is long established, has never given rise to such difficulties, and that there are never more than five cars parked.

7. The council acknowledge that it would have been unreasonable to resist the erection of a replacement clubhouse of the same size as the present one. It would in my view also have been unreasonable in that event to have insisted on the provision of car parking space to the councils standards. The proposed clubhouse would undoubtedly be more attractive, and it is true that increased mobility makes it more likely that members would come by car. It seems to me, however, that the club as it stands is capable of creating a much greater level of activity than it does. The proposed new club could likewise create significant amounts of activity, but on the other hand it could retain its present rather exclusive membership. It seems likely that the new building would spur an increase in use, but so could a more active approach to the use of the present building. All in all, I do not consider that the erection of a new clubhouse would, of itself, lead to such increased car parking that there would be an overflow from the parking provided, or that the activity created would disturb nearby residents any more than could occur at present. I do not consider that the development overall would so increase the traffic on the unmade road that it should be refused permission, when other powers exist to secure the making up of such roads.

8. Turning to the matter of the effects on the residents of the adjacent dwelling, "Lorelei", the illustrative plan shows a building closer to the common boundary, so that whereas the present building is something over 2m

from the boundary, the proposed building would be about 1m from it. The dwelling is also close to the boundary. In the western wall which faces the club are several windows, most of which appeared to me to be of a secondary nature. To my mind the new club house need not have an unacceptably adverse effect on the occupiers of this dwelling, provided that the height of the walls of the building are not significantly increased, and that the windows and ventilators to the toilet and canteen areas are sited with care, if necessary by revising the layout shown in illustration. These are all matters which can be safely dealt with at the submission of detailed plans.

9. The appeal will therefore be allowed. Because of the increased numbers of residents which the scheme would bring into the area, I shall impose a condition requiring the present opening hours of the club to be adhered to, and the area of public rooms to be as stated in the representations in the appeal but all other matters, including the optimum layout of the parking and access works will be reserved for later decision. I have noted the observations of the County Social Services department concerning access by disabled people. Bearing in mind the changing characteristics of the population, and the value of small halls in providing services for the elderly and disabled, your attention is drawn to the enclosed leaflet relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

10. I have taken into account all other matters raised in the written representations, but they do not outweigh the planning considerations which have led me to my conclusions.

11. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal, and grant planning permission for the erection of three 2 storey 3 bedroom dwellings, garages, replacement clubhouse, service road and parking areas at the Sunnyside Mens Social Club, George Street, Berkhamsted, Herts, in accordance with the terms of the application (No 4/0057/88) dated 14 January 1988 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto, a scheme for the parking of cars and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority.

b. application for the approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter.

2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:

a. 5 years from the date of this letter or

b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

3. The floor area of the public rooms of the clubhouse hereby permitted shall not exceed that of the same rooms shown on the illustrative plan submitted with the application.

4. The clubhouse hereby permitted shall not be in use after 2300 hrs on any day.

12. Attention is drawn to the fact that 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 approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

13. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant

David Ward

David Ward BSc(Hons) CEng MICE FIHT
Inspector