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CHIEF EXECUTIVE OFFICER

2 SEP 1986

File ref.
Refer to C.P.O. 2/9
Cleared

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Your reference

Our reference PLANNING DEPARTMENT / P5
T/APP/A19078/86/047965/86
DISTRICT COUNCIL

Date 1 SEP 86 Ack. 4-0078-86

C.P.O.	D.P.	D.C.	B.C.	Admin.	File
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Received 2 SEP 1986

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR B MARSHALL
APPLICATION NO: 4/0078/86

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. The appeal is against the decision of the Dacorum District Council to refuse planning permission for the erection of offices on land at 285 High Street, and 29 Boxwell Road, Berkhamsted.

2. From my accompanied inspection of the site and surroundings on 28 July 1986, and from my consideration of the written representations made by you, the local planning authority, and interested persons, I am of the opinion that the decision in this appeal rests primarily on whether the proposed development would be detrimental to the residential amenities of persons living nearby, and be out of character and scale with its surroundings, bearing in mind the council's planning policies for the location of further office development in Berkhamsted.

3. The appeal site, which you state in the application extends to only some 300 sq m in total area (although according to the council's calculation it is 446 sq m), comprises 2 properties formerly in separate use, and is situated at the rear of a public house, The Lamb, on the corner of High Street/Boxwell Road, and some shops with flats and offices over and a private house on the southern side of the High Street. On the other side of the site there is the flank boundary of a bungalow, No 29 Boxwell Road, which is at a somewhat higher level. Behind the back garden of the bungalow there is land running with a Society of Friends Meeting House which also abuts the western boundary of the appeal site and fronts on to the High Street. There are at present 2 vehicular accesses to the land; one is under an arch to a driveway running between Nos 283 and 287 High Street, and the second is from Boxwell Road between the back of The Lamb and the side of No 29.

4. The present buildings on the site are old and mainly of timber frame construction, but they are in keeping with the character of the buildings fronting on to the High Street which are in a Conservation Area. The building at No 285 High Street is 2 storeys in height, except for a single storey garage

abutting the back boundaries on Nos 281 and 283 High Street. There are windows at first floor level overlooking the back garden of No 29 Boxwell Road at close range, as well as the rear of the properties fronting on to the High Street. This building was apparently used at one time, according to a local resident, for the repair of motor vehicles on a very small scale (and presumably on the ground floor only), and for repairing and restringing tennis racquets. The buildings served by the Boxwell Road access appear to have been used as garages and/or for storage with a small office, but the exact uses, or when the various buildings, which are now all vacant, were last used, has not been explained to me.

5. The application subject of the appeal is for general offices and is for outline planning permission, with all the details reserved for approval at the detailed planning stage. However the application states that the proposed building would have a floor area of 348 sq m, and you submitted an illustrative drawing with the application showing a building with 3 floors and 8 parking space reached via the existing Boxwell Road access. I would accept that it would not be possible to provide offices of the total floor area indicated in a building of only one or two floors in view of the very restricted nature of the site and the car parking requirements. I will thus consider the proposal on the basis you suggest.

6. The location and shape of the site pose a number of constraints on what is likely to be regarded as an acceptable form of redevelopment, and these must each be examined, as well as the background planning policy, although lack of conformity with the zoning does not necessarily mean that permission must be refused in the light of advice in recent department circulars.

7. The council maintain that further offices would not be suitable in this area as it is outside that zoned for such a purpose in the adopted District Plan. You point out that exceptions have been made in respect of land on the opposite side of Boxwell Street and in the parallel street on the eastern side, Park View Road. However the eastern side of Boxwell Road, and the part of Park View Road nearest to the junction with the High Street, are of a different character to the western side of Boxwell Road which is predominantly residential starting with No 29 adjacent to the appeal site. I would thus not disagree with the council that residential redevelopment would be the most appropriate use of the land, bearing in mind also the considerable residential content of the adjacent premises fronting on to the High Street. I note that a dwelling has in fact already been permitted on the Boxwell Road part of the appeal site, despite its shallow depth and small overall size, and this may in fact be the only form of redevelopment that could be fitted in satisfactorily on to the whole site in view of the constraints resulting from its nature. However it is not for me to reach a firm conclusion on whether other possible uses might or might not be suitable if the objections that exist to the present proposal make it unacceptable.

8. In my opinion an office block of the size and height your client has suggested would be far too dominant on its

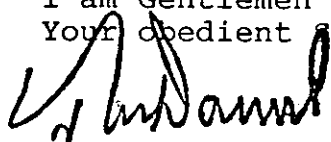
surroundings in all directions, and out of character and incongruous with the small bungalow on the northern side, even though the appeal site is at a lower level. I appreciate that the degree of overlooking would be reduced - on the basis that some use of the first floor of the existing 2 storey building might be resumed - but that seems to me to be the only benefit as you claim that the building has light industrial use rights which, by definition, means that any activity or use of machinery would not be harmful to the residential surroundings by reason of noise, vibration, smell etc. In my opinion an improvement in the privacy of the adjoining properties would not outweigh the disadvantages I have outlined.

9. I note that the proposal lacks 2 car parking spaces to meet the council's normal parking standards, but that this problem might be overcome by commuting the responsibility. I do not consider the use of the proposed car park and access from Boxwell Road would adversely affect the amenities of the occupiers of No 29 to any greater extent than would a resumption of the former garage/storage use. However it is not clear to me what is intended for the remainder of the existing site of No 285 which would not be occupied by the proposed building. It would appear that your client no longer intends to use the vehicular access from the High Street, but it is the only access to the rear of the properties on either side, although I note that the use of the garage at the rear of No 287 has now been denied to the occupier by the access to it from the existing yard at No 285 being closed by a gate adjacent to the garage. It seems to me that as the proposed building would nearly abut this garage on the south eastern side, it might well overshadow part of the small back garden of No 287, as well as the land at the rear of Nos 279-283 High Street by its proximity to their rear boundaries.

10. Taking all the various points above into account, I do not consider it would be justified to permit the proposed development. I have examined all the other matters raised in the written representations, including the loss from redevelopment of the existing old timber buildings that one person who has made representations considers worthy of preservation in view of their contribution to the character of the adjacent Conservation Area, and the fact that the Meeting House on the western side is a Listed Building within the Conservation Area, and should thus have its setting suitably preserved, but these points do not affect my objections, and there is nothing else of the substance needed to outweigh the considerations that have led me to my decision.

11. For the above reason, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient servant



J M DANIEL DFC FBIM
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mr B Marshall 25 Boxwell Road Hemel Hempstead CGB Partnership The Dower House 108 High Street Berkhamsted

Offices (Outline) at 285 High Street/adj 29 Boxwell Road, Berkhamsted

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 14th 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:-

- 1. The proposed development would represent over-development of this particular site, affect adversely visual and general amenities and detract from the character of the area.
2. The proposed development would have a seriously detrimental effect on amenities and privacy at present enjoyed by occupants of adjacent dwellings.
3. There is insufficient provision for vehicle parking within the site to meet standards adopted by the local planning authority.
4. The proposed development would be contrary to Policy 53 of the Dacorum District Plan which seeks to direct office developments to the commercial area of the town centres of Hemel Hempstead, Berkhamsted and Tring, as defined on the Proposals Map.

Dated 27th day of February 1986.

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.