

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other  
Ref. No. ....

THE DISTRICT COUNCIL OF DACORUM  
IN THE COUNTY OF HERTFORD

To Hightown Housing Association,  
3 St. Mary's Road,  
HEMEL HEMPSTEAD,  
Herts.

Messrs. W. F. Johnson & Partners,  
39A High Road, Street  
HEMEL HEMPSTEAD,  
Herts.

Change of use from dwelling to six bed-sitter units  
with communal facilities  
at 1 Horsecroft Road, Hemel Hempstead.

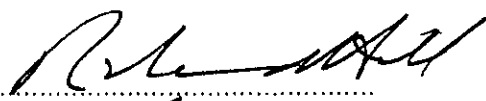
Brief  
description  
and location  
of proposed  
development.

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 refuse the development proposed by you in your application dated 17th January, 1980 and received with sufficient particulars on 17th January, 1980 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 lead to additional parking on the adjoining highways to the detriment of the safety and free flow of traffic and pedestrians thereon.
2. The disposition of the parking spaces proposed would result in difficult manoeuvring to the detriment of the safety and free flow of traffic on Fishery and Horsecroft Road and to the safety and convenience of pedestrians.

Dated 28th day of February, 1980.

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 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 District 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.
- (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.



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CHIEF EXECUTIVE

15 DEC 1980

Messrs Wainwright and Stevens  
 Solicitors  
 5 Alexandra Road  
 HEMEL HEMPSTEAD  
 Herts  
 HP2 5BS

Your reference  
 CK/LAW/JJ/H129

Our reference

T/APP/5252/A/80/9397/G5  
 Date

12 DEC 1980

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY HIGHTOWN HOUSING ASSOCIATION  
 LOCAL PLANNING AUTHORITY APPLICATION NO:- 4/0083/80

TECHNICAL SERVICES DEPT.	
PLANNING SECTION	
15 DEC 1980	
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- I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the change of use of the dwelling at 1 Horsecroft Road, Hemel Hempstead to 6 bed-sitter units with communal facilities. I have considered the written representations made by you and by the council and also those made by the Boxmoor Residents' Association and other interested persons.
- I inspected the site on 12 November 1980 and observed that it was located in an area known as Boxmoor where houses erected about the turn of the century predominate and the majority of the houses are without the benefit of off-street parking or garaging facilities. I observed that Fishery Road, onto which the long side boundary of the appeal site abuts, acted as distributor road and as a bus route, and that traffic proceeded at a brisk pace down the hill past the appeal site to the Hemel Hempstead-Aylesbury (A. 1) road. I observed that parking in Fishery Road was restricted in the vicinity of the appeal site by single yellow lines on both sides of Fishery Road. At the time of my visit on a week-day late morning, both sides of Horsecroft Road were lined with parked cars in the immediate vicinity of the appeal site.
- From my inspection of the site together with its surroundings, and the representations made, I am of the opinion that a decision in this case turns primarily on whether or not the proposed development would have adequate and safe car parking facilities.
- The application before me in this appeal provides for 2 car parking spaces in addition to the garaging of one vehicle in the old dilapidated corrugated iron garage all in the very small rear garden of the appeal premises with access from Fishery Road. Bearing in mind the nature and function of Fishery Road I consider it would be quite wrong for vehicles to leave or enter the appeal site otherwise than in forward gear. In my opinion the reversing of cars in Fishery Road would create an unacceptable level of traffic hazards in Fishery Road and would be likely to impede the free flow of traffic thereon. I consider the small back garden of the appeal site would only provide sufficient space for one vehicle to park, turn round and leave the appeal site in forward gear, particularly bearing in mind that the existing double gates to Fishery Road open inwards onto the site.
- I have considered the alternative schemes for parking 3 or 4 cars on the appeal site shown on Drawing No 1139/3 which could be effected by widening the existing access. In both schemes however the cars would have to reverse from Fishery Road

into the appeal site against the opposing stream of traffic in that road. Moreover the space available for parking is less than the normally accepted standard of 4.8 m long and 2.4 m wide for parking a standard sized car in all cases.

6. I have considered your submission that the Association could impose rules on the type of vehicles permitted to park on the appeal site, the method of parking and the prohibition of parking in the highway, but am not satisfied that these rules would readily be capable of enforcement, particularly against visitors to the appeal premises.

7. I have also considered your submission that it would be unlikely that many of the occupants of the 6 bed-sitter units would possess a car but prefer the submission by the council to the effect that a minimum of 4 off-street parking spaces would be appropriate in this case. Whereas I accept no such provision exists at the Association's Alexandra Road premises which I visited, each case falls to be determined on its own merits. In this connection the Alexandra Road premises seemed to me to be very much more conveniently located to Hemel Hempstead town centre and a public car park than the appeal premises.

8. Whereas I find no reason to question that Hightown Housing Association provides much needed accommodation for young people, I have reached the conclusion, on balance, that the proposed development would have neither adequate nor safe car parking facilities, and that as a result the proposed development would give rise to traffic hazards and congestion in the adjoining highways.

9. I have considered all other matters raised in the written representations but am of the opinion that they are not of sufficient strength to outweigh the considerations that have led to my decision.

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

I am Gentlemen  
Your obedient Servant



W D WOODALL FRICS FRTPI  
Inspector