

Town Planning Ref. No. 4/0101/80

Other Ref. No.

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To J. S. Page, Esq.,
Brackendale,
Rucklers Lane,
KINGS LANGLEY,
Herts.

Change of use first floor from residential to
dental surgery and osteopathic clinic
at 64-66 London 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 and received with sufficient particulars on 22nd January, 1980, 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 years commencing on the date of this notice.

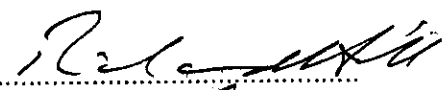
- 1. This permission shall expire on 28th February, 1983.

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

~~(To comply with the requirements of Section 41 of the Town & Country Planning Act 1971)~~

1. **To enable the local planning authority to retain control over the development.**

Dated..... **28th** ..... day of..... **February,** ..... 19..... **80.**

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, Marsham Street, 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.

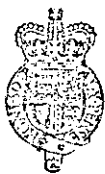
(3) If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of 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.

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CHIEF EXECUTIVE

- 5 JAN 1981

TECHNICAL SERVICES DEPT.	
PLANNING	ON
- 5 JAN 1981	
DATE	

Your reference

Our reference

T/APP/5252/A/80/10861/G2

Date

29 DEC 1980

Mr J S Page  
Brackendale  
Rucklers Lane  
KINGS LANGLEY  
Hertfordshire

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:- 4/0101/80

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to grant planning permission subject to a condition for the change of the first floor from residential to dental surgery and osteopathic clinic at Nos 64-66 London Road, Hemel Hempstead. I have considered the written representations made by you and by the Council. I inspected the site on 17 November 1980.
2. The condition in dispute provides that the permission shall expire on 28 February 1983.
3. From my inspection of the site and its surroundings and from the written representations made I am of the opinion that the principal issue in this case concerns the potential impact of the approved use on the parking situation in the locality.
4. It is the council's policy generally to resist proposals for changes of use to offices in the vicinity but having regard to the particular services which you were proposing to establish and their importance to the local community they determined to permit the application you made in 1979. However as there was no provision for parking facilities, which would normally be required by the council, it was their view that a permanent permission would be inappropriate until such time as the impact of the proposal could be assessed, and a further application, the subject of the present appeal, met with a similar response although the time period was extended to 3 years.
5. You have submitted that the council have accepted the use and their only objection relates to car parking. In your opinion there are adequate facilities available in reasonable proximity to the appeal premises including on-street spaces in nearby roads and the car park at London Road.
6. The appeal premises are located above a retail use which fronts London Road, the A41 trunk road, near the junction with Durrants Hill Road. Shopping uses predominate in this part of London Road although the surroundings comprise an area of generally mixed uses in one of the older parts of Hemel Hempstead. I observed that you have converted and equipped the property to a high standard to provide facilities for a dentist, a dental hygienist, and your own work as an osteopath; together with a common reception area. There is an external staircase at the rear of the building which connects with London Road by way of a side access.

7. The A41 and Durrants Hill Road in the vicinity of the site are subject to no-waiting restrictions and I observed that on-street parking occurs in the adjoining area. The car park is located some 100 m to the south-east and although the council point out that it is on the opposite side of London Road, I noted that there was a light controlled pedestrian crossing adjacent to your entrance.

8. The council have identified a number of plans which may modify the character of the area, including the Apsley General Improvement Area, but there are no specific proposals which would directly affect the appeal property. They have also stated that the effects of the development should be assessed before a permanent permission could be considered. Nevertheless it has not been made clear how this would be achieved and in my opinion the likely scale of parking demand from the proposed use could reasonably be estimated at the outset; and I have no evidence of any anticipated change in circumstances whereby I would consider a permanent determination of the proposal to be premature.

9. It appears to me that casual on-street parking in the vicinity is common practice and although this may not be particularly satisfactory I do not consider that the additional demand generated by the appeal development would have any significant adverse effect. In addition the car park at London Road is, in my view, reasonably close for visitors to the practice who would have safe and convenient access via the pedestrian crossing.

10. In coming to a conclusion I have taken into account that because of the lack of parking facilities within the site the council have made a concession in permitting the development on a temporary basis. Nevertheless I am not persuaded that a permanent permission would prejudice the maintenance of proper parking standards in the area and having regard to the acknowledged service being provided at the appeal premises I find that, in the circumstances of this particular case, the imposition of a time limit is not justified.

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

12. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your appeal and discharge the condition attached to planning permission No 4/0101/80 dated 28 February 1980 for the change of use of first floor from residential to dental surgery and osteopathic clinic at Nos 64/66 London Road, Hemel Hempstead.

I am Sir

Your obedient Servant



A K BRAGG ARICS MRTPI  
Inspector