



**Department of the Environment and
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**CHIEF EXECUTIVE
OFFICER**

16 FEB 1988

File no.

Refer to clo 16/2

Cleared

New Homes Marketing Ltd
6A Lake Street
LEIGHTON BUZZARD
Beds
LU7 8RT

2/RB.

Your reference

Our reference

T/APP/A1910/A/87/76218/P2

Date DACORUM DISTRICT COUNCIL

Ref.		16 FEB 88				Ack.
C.P.O.	D.P.	D.C.	B.C.	Admin.	File	
Received		16 FEB 1988				
Comments						
SCHEDULE 9						

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND
APPEAL BY MR A BATCHELOR
APPLICATION NO: 4/0119/87

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal which is against the decision of the Dacorum Borough Council to refuse planning permission for conversion of a dwelling into 4 flats at No 2 Nathaniel Walk, Tring. I have considered the written representations made by you and by the Council, Tring Town Council, and also those made by interested persons. I inspected the site on 12 January 1988.

2. The appeal site is at the corner of Nathaniel Walk and Betty's Lane. It is one half of a pair of semi-detached dwellings. The dwelling on the appeal site has a 2 storey extension at the side which has more than doubled the size of the house. There is a carport at the side of the extension, and vehicular access is at present from Nathaniel Walk. There is a hedge along the boundary of the appeal site with Nathaniel Walk, and a 1.8 m high fence along the boundary with Betty's Lane. The rear garden boundary is shared with a vehicular access to the adjoining school. The gardens of Nos 2 and 4 Nathaniel Walk are separated by 2 panels of fencing adjoining the dwelling, and a heavy conifer hedge at the bottom of the garden, with an area of more light hedgerow between. There is a garage court on the opposite side of Betty's Lane.

3. The proposed scheme is to convert the dwelling into 4 one-bedroomed flats, with pedestrian access from centrally located entrances onto Nathaniel Walk. There would be a drying area at the side to replace the carport, and a new vehicular access would be created at the rear, from Betty's Lane, with 5 car parking spaces and a turning area.

4. The adopted Dacorum District Plan states that the conversion of houses to small dwellings will be viewed favourably subject to certain criteria. It seems to me from the representations made and my inspection of the site that this appeal turns on whether the proposed development could be satisfactorily implemented without causing any harm to the character of the area and the amenity of the adjacent residents.

5. Some local concern is expressed at the intensification of residential use in relation to parking and congestion on Nathaniel Walk. The evidence indicates to me that the proposed scheme satisfies the parking standards within the adopted local

plan. I also note that there are no highway objections to the proposal from the local authority. In my opinion the proposed scheme would provide a spacious parking area. I also consider that the access would have good visibility along this wide street, away from the junction with Nathaniel Walk. I can envisage that some callers might park on Nathaniel Walk, as this is nearer to the entrance to the flats. However, with the main body of parking being conveniently provided for at the rear I do not consider that this is likely to increase to a level which would justify withholding permission in this case.

6. Most of the representations agree that the proposed scheme would not alter the appearance of the existing dwelling to any degree. I also consider that the general space and facilities provided around the building are quite generous, and that the proposal would not detract from the character of the street scene.

7. The main area of concern expressed in the evidence is in relation to the affect of the proposed development on the adjoining residents at No 4 Nathaniel Walk. The submitted scheme indicates that the lounge of the first floor flat would be next to a bedroom of the adjoining dwelling, separated only by a party wall. However, the consultations made in respect of the planning application indicate that the problem could be overcome by sound insulation of this party wall. With respect to the parking area, in my opinion this would be well located at the bottom of the garden, adjacent to the school access, and screened from the adjoining garden by dense shrubbery. I consider that the location and design of the parking area and the position of the footpaths would minimise any disturbance to the adjoining residents.

8. Thus whilst I have taken account of the increased level of activity that the proposed development would generate, I have come to the conclusion that this is unlikely to be harmful to the amenity of the adjoining residents, provided additional soundproofing is carried out on the party wall.

9. I have considered all other matters raised, including the question that by allowing this appeal a precedent would be set for similar development in the area. However, it seems to me that each case should be determined on its merits in the light of the particular circumstances and characteristics of the site. No other matters affect my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant permission for the conversion of a dwelling to 4 flats at No 2 Nathaniel Walk, Tring in accordance with the terms of application (No 4/0119/87) dated 29 January 1987 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;

2. before development is commenced a scheme shall be submitted to and approved by the local planning authority illustrating the means by which sound transmission between ground and first floors and the adjoining property shall be resisted. Such a scheme as approved shall be implemented prior to occupation of the flats hereby permitted.

11. 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.

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

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script that reads "T. Crane". The signature is written in black ink and is positioned above the typed name.

T CRANE BA MPhil DipConsStuds MRTPI
Inspector

DP

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr A Batchelor
2 Nathaniel Walk
Tring

Aitchisons
154 High Street
Berkhamsted

Conversion of dwelling into four flats
.....
.....
at 2 Nathaniel Walk
.....
Tring.....

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 29.1.87 and received with sufficient particulars on 29.1.87 and shown on the plan(s) accompanying such application.

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

The proposed development would result in disturbance and loss of amenity to occupants of the adjacent house.

Dated 9th day of April 19.87..

Signed *Wim Bamford*

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.