



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0136/91

Smith & Latimer Ltd
129 Horsecroft Road
Hemel Hempstead
Herts

Mr D Clarke
47 Gravel Lane
Hemel Hempstead
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

129 Horsecroft Road, Hemel Hempstead

CHANGE OF USE SHOP/RESIDENTIAL TO OFFICES

Your application for *full planning permission* dated 29.01.1991 and received on 30.01.1991 has been *REFUSED*, for the reasons set out on the attached sheet(s).



Director of Planning

Date of Decision: 14.03.1991

(ENC Reasons and Notes)



REASONS FOR REFUSAL
OF APPLICATION: 4/0136/91

Date of Decision: 14.03.1991

1. The proposal is contrary to the Council's policy to ensure the retention of existing residential properties within the urban area of the Borough. The permanent loss of the residential accommodation would be contrary to the aims of this strategy and, if permitted, a precedent would be established wherein it would be difficult to resist other applications involving the loss of the housing stock, to the detriment of the essential balance between the provision of housing and employment.
2. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.



Planning Inspectorate
Department of the Environment

B/480/SM/P

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Handwritten initials and marks

		PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						GTM 1374
Mr D Clarke 47 Gravel Lane Boxmoor HEMEL HEMPSTEAD Herts HP1 1SA							Your reference	
	C.P.C.	T.O.P.M.	D.P.	D.O.	A.D.	Other	File	
	8 JAN 1992						Our reference T/APP/A1910/A/91/190418/P8	
Received						Date	27 JAN 92	
Comments								

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY SMITH AND LATIMER LTD
APPLICATION NO:- 4/0136/91

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for change of use to form offices at 129 Horsecroft Road, Boxmoor, Hemel Hempstead. I have considered the written representations made by you and by the council. I inspected the site on 4 November and 2 December 1991.
- Further to my visits to the site and its surroundings and consideration of the representations made, I consider that the main issues in this case are firstly, whether the potential loss of residential accommodation would be acceptable, bearing in mind the council's residential policies, and secondly, whether the proposed parking provision is adequate.
- The appeal property comprises a basement, 2 rooms and a kitchen on the ground floor and 2 rooms and a bathroom on the first floor, all of which appear to be in office use. It occupies a prominent position at the junction of Horsecroft Road with Wharf Road. Boxmoor Local Centre is close by in St Johns Road and there is an area of open ground known as Boxmoor on the other side of Wharf Road. Otherwise the area is predominantly residential in character with a mix of small Victorian houses and more modern infill. Parking in Horsecroft Road and Wharf Road is unrestricted and at the time of both my visits there were spaces available in the vicinity of the appeal site.
- On the first issue, you claim that, although No 129 was built as a shop with living accommodation above, there has been no residential use on the site since 1946 and that, until Smith and Latimer occupied the premises in 1985, the appeal premises were used for retail and offices on the ground floor, picture framing on the first floor and printing installations in the basement. You therefore consider that the proposed change of use would not result in the loss of a residential unit. However, apart from local hearsay, you do not submit any evidence to substantiate that claim and, from the evidence submitted by the council, it would appear to me probable that there was a residential unit on the premises at least until 1979. Furthermore, in 1985 planning permission was refused for a change of

use from shop/residential to dental surgeries and in that same year planning permission was granted for 2 flats.

5. You further submit that the available first floor space is very small and, in any event, incapable of separate use from the ground floor. From my visit to the site and the evidence before me, it appears to me that the residential unit comprised living room and kitchen to the rear of the ground floor with 2 bedrooms and bathroom on the first floor. I see no reason why a separate access could not be constructed from the outside in order to achieve a satisfactory and self-contained residential unit.

6. Policies in the adopted Dacorum District Plan 1984 and in the Dacorum Borough Local Plan, Deposit Draft seek to ensure the retention of the existing housing stock within the urban areas of the Borough. This is the cornerstone of the council's housing strategy which is to provide for a net increase in dwellings in accordance with the level required by the Hertfordshire County Council Structure Plan 1986 Review. The council states that the site is located within an established residential area where offices are not normally granted permission. The council therefore considers that a residential use should be reinstated and has authorised enforcement action against the current use.

7. Given the planning history outlined above and the location of the appeal premises within a predominantly residential area, I do not consider that the present absence of residential accommodation within the premises is sufficient reason to outweigh the council's well established housing policies, on which I place considerable weight. Nor do I regard the recent residential developments adjoining the appeal site as a justification for the change of use now proposed. I recognise that yours is a small business normally encouraged by Central Government policy. However, in this case it seems to me that the objective of retaining the existing housing stock is of greater importance and the office use now proposed more appropriately located elsewhere. The council also refer to the possibility of setting a precedent. I agree that should the continuation of this commercial use be allowed in this formerly part residential property, it would be difficult to resist similar proposals, the cumulative effect of which would, in my opinion, undermine the council's housing strategy.

8. On the second issue, the council's parking standards require the provision of 3 spaces. You indicate that 2 spaces can be provided to the rear of the property. Although I saw on my inspection that this could be achieved only with difficulty, as space is limited and there is a significant difference in levels within the site, with some expenditure on groundworks and retaining walls it appears that 2 cars could just be accommodated.

9. Historically no parking has been available on the site. However, although Horsecroft Road was more congested towards the western end, at the time of my visits there were ample on-street spaces available in the vicinity of the appeal site, both in Horsecroft Road and Wharf Road. There does not therefore appear to be a serious parking problem during the working day, when the proposed use would be in operation. In the circumstances, therefore, although the proposal does not strictly meet the council's standards, I do not consider it would so seriously prejudice its objectives as to justify a refusal of planning permission on this ground alone. The appeal decision referred to by

the council relates to a site within the nearby Boxmoor Local Centre and is not, in my opinion, strictly comparable. However, this issue does not outweigh my concern that the proposed office use is contrary to the council's housing policies and it is for this reason that your clients' appeal fails.

10. I have taken into account all other matters raised in the representations but find in them nothing of sufficient weight to alter my opinion that the proposal now before me is unacceptable.

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

I am Sir
Your obedient Servant

Windy Bretherick

MRS W P BREThERICK BA DipEd MRTPI
Inspector