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CHIEF EXECUTIVE
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21 MAR 1988

File ref.
Refer to CP0213
Cleared

JEB
2/RB

Mr Muhabbat Hussain
214 Belswains Lane
HEMEL HEMPSTEAD
Hertfordshire
HP3 9XB

PERSONNEL DEPARTMENT DACORUM DISTRICT COUNCIL					GTN 2074	
Ref.				Ask.		
C.P.O.				D.P.		D.C.
B.C.		Admin.		Your reference		
				T/APP/A1910/A/87/77702/P4		
Received				Date		
22 MAR 1988				18 MAR 88		
Comments						

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/0220/87

- As you know, I have been appointed by the Secretary of State for the Environment to determine your appeal which is against the decision of the Dacorum Borough Council to refuse planning permission for the conversion of dwelling into flats and single-storey extension at 214 Belswains Lane, Hemel Hempstead. I have considered the written representations made by you and the Council and also those made by an interested person to the Council. I inspected the site on 8 February 1988.
- From my inspection of the site and the surrounding area and consideration of the representations made, it appears to me that the main issue is the extent to which the intensive use of this property may cause disturbance to occupants of adjoining terrace houses.
- The Council acknowledges the need for small units of residential accommodation but refers to local plan policies which are concerned with the maintenance of environmental standards. The importance of the latter point is emphasised in Circular 14/85 where the Government expressed its commitment to maintain and to improve the quality of the environment.
- It is a matter of very great importance to ensure that the supply of housing accommodation is maintained and that there should be an increasing number of small units to serve the growing demand by single persons and young and elderly couples. Escalating house prices can only be kept in check if supply can be related to demand and need. I understand the Council's misgivings about the conversion of terrace houses but it seems to me that there can be no policy of general application for, otherwise, a large source of potential supply of small units would be lost. Each case must necessarily be considered on its own merits.
- I give particular regard to the objections expressed by a neighbour who refers to an earlier time when the premises were used for multiple occupation and there was serious nuisance from noise. It seems to me that a proposal to divide the house into 2 self-contained flats is likely to reduce the risk of intensive use associated with multiple occupation of single rooms but I recognise that there can be a real problem where living rooms at first-floor level abut a bedroom on the other side of a party wall and, indeed, for persons in the lower flat. For this reason, I have thought it right to impose a condition requiring the approval of the Council to a soundproofing scheme.

6. I share the Council's concern about car parking provision along a road which carries substantial traffic but I agree that, in this location, the use of the forecourt for parking would not justify the refusal of planning permission. In the interests of visual amenity, however, the Council should have an opportunity to consider further the treatment of the frontage with regard to the actual parking spaces, the fences and the grass verge and I have included these matters in the condition which appears below.

7. The planning application which is the subject of this appeal includes a proposal for a small rear extension to provide a bathroom and a larger living area. I have seen that the works are under construction and it appears that the extension measures a little under 50 cu m. In these circumstances, and as the works have been put in hand before the house is divided into flats, I agree that the extension appears to be permitted by the terms of item 1(a)(i) of Class I of Schedule 1 to the Town and Country Planning General Development Order 1977 (as amended) and I make no decision on that part of the appeal.

8. I have taken into account all of the other matters raised in the written representations but they are not of sufficient weight to affect my decision. In my opinion, the issues are finely balanced and the presumption in favour of planning permission applies in this case.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the conversion of dwelling into flats at 214 Belswains Lane, Hemel Hempstead in accordance with the terms of your application No 4/0220/87 dated 16 February 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. notwithstanding the details indicated on the application plans, schemes shall be submitted to the local planning authority and approved in writing for (i) the provision of soundproofing materials to the party wall between the premises and the adjoining house, 216 Belswains Lane, and within the ceiling/floorspace between the flats; and (ii) the surfacing of the parking space on the forecourt, the provision of fences or hedges and the treatment of the grass verge; and the approved schemes shall be implemented before the flats are first occupied.

10. 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.

11. 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 Sir
Your obedient Servant



B A PAYTON LLB LMRTPI Barrister
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To M Hussain
214 Belswains Lane
Hemel Hempstead

B & J Builders
18 Randalls Ride
Hemel Hempstead

..... Change of use of dwelling to two flats and
..... single storey rear extension
at 214 Belswains Lane
..... 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 undated and received with sufficient particulars on 16.2.87 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 conversion of this terraced house to flats will result in disturbance and loss of amenity to occupants of adjacent houses.

Dated 9th day of April 19 87...

Signed *Wim Bamford*

Chief Planning Officer

SEE NOTES OVERLEAF

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.