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**Planning Inspectorate**  
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Architect		Fla 10	
31 Ringshall		Our reference	
BERKHAMSTEAD		T/APP/A1910/A/89/139149/P5	
Herts		Date	
HP4 1ND	4 APR 1990	- 3 APR 90	

Mr P S Burdess  
Architect  
31 Ringshall  
BERKHAMSTEAD  
Herts  
HP4 1ND

Your reference  
Our reference  
T/APP/A1910/A/89/139149/P5  
Date - 3 APR 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR P S PATEL  
APPLICATION NO:- 4/0235/89

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This is against the decision of the Dacorum Borough Council to refuse planning permission for your amended application for a first and second floor office extension to existing shops at 3/4 Maylands Avenue, Hemel Hempstead. I have considered the written representations made by you and the Council; and I inspected the site and its surroundings on 14 March 1990.

2. The representations and inspection have led me to the view that the main issue in this case is whether adequate off-street parking would be provided for the second floor offices.

3. The A4147 Maylands Avenue winds northwards through a predominantly industrial part of Hemel Hempstead. The appeal premises are on the western side just before a crossroads, above a row of shops which has both a front service road and shallow rear service yards. You have submitted a number of applications on behalf of your client which have been successful in establishing a new structure above the originally single storey shops. This now contains approved first floor offices; and the premises have 7 car parking spaces laid out in the rear yard in an approved pattern involving double-banking. Thus the really outstanding items in the appeal application are the conversion of a roofspace shown as for tanks and storage on your approved plan 101/D/L/04A into second floor offices as depicted on your revised plan 101/P/L/06B, plus the insertion of an 8th parking space into the yard at the rear of the others. An alternative parking scheme which would reduce the proportion of double parking would be to combine with the yard behind No 2, which is in separate ownership.

4. Policy 19 of the Dacorum District Plan adopted in 1984 provides that all proposals for development should include provision for car parking based on the guidelines adopted by the District Council. At the time of decision the adopted guidelines, intended as a reasonable requirement which could be modified depending on a proposal's merits, suggested for small offices 1 standard space for each 35 sq m of gross floorspace. The present guidelines now require 1 space for each 25 sq m. They also suggest a minimum depth of manoeuvring space between rows of 6 m; and accept double parking only within



domestic curtilages. Policy 45 of the District Plan expects all proposals for office development to pay particular regard to vehicle access, circulation, parking and servicing arrangements. Policies 53 and 54 make it clear to me that the strategy for office development in Hemel Hempstead is basically one of restraint.

5. It seems to be agreed that the 2 floors of offices together should have 8 spaces under the old guidelines and 12 under the new ones. You claim that the Council accepted the principle of double parking in the rear yard when it approved your drawing 101/D/L/04A, which showed a row of 4 spaces immediately behind a row of 2. Also you suggest that there was a relaxation in number, since you contend that the normal requirement would have been 6 spaces for the first floor offices plus 4 retained for the shops. The Council states that it assumed there would be adequate parking spaces for the shops in the front service road. In my judgement, your client received the benefit of a considerable modification of the old standards just for the first floor offices. For, in the first place, the standards are intended to be for customers and casual visitors as well as staff, so that double parking entails a significant loss of the normally requisite flexibility, in my judgement: and, secondly, in principle there seems to be no operational parking space left for the premises at all.

6. I disagree with your implied contention that the premises should be given the benefit of another relaxation just because they have qualified for one relaxation already. Also the availability of space behind No 2 cannot be taken into account because it is not within the appellant's control. Moreover, I doubt whether it can in principle be spared from the requirements of that property. In turn, you doubt whether in practice office occupiers of the 2 upper floors of Nos 3/4 would utilise all the spaces, but you do not give any reason for this reservation except the general parking situation in the vicinity. The Council's standards as such appear reasonable to me, especially since requirements are of course being set by them to cover the entire life of the offices, and not just today's conditions. As to the latter, my experience between 1500 and 1530 hours on a Wednesday did not accord with your description of the general situation.

7. I noted that parking is prohibited on the main carriageway between 0830 and 1800 hours. Although there were occasionally 1 or 2 kerbside spaces in the service road, they were difficult to manoeuvre into and out of, with the result that several cafe and shop customers parked for preference on the double yellow lines in the mouth of Duxons Turn. The small car park in front of No 5 was full. The limited waiting stretch up Duxons Turn was well used; and the public car park at its end was busy. Even though the factory opposite appeared vacant, there were vehicles parked in its forecourt. Two of the existing bays on the appeal site were occupied by cars, despite the first floor offices being vacant. My clear impression was that this is an area where congestion could well build up in a few years, so that any further relaxation of car parking standards would be most inappropriate. Servicing of the premises must already be difficult, in my view.

8. Your client has provided the convertible roofspace at his own risk; and I see no special ground for straining car parking capacity beyond reasonable limits for the sake of second floor offices in an area of office restraint. The application for a second floor flat is a different matter which it is for the Council to decide in the first place. I am required by law to take account of the considerations - which in this case include the car parking guidelines - prevailing at the time of my determination of the appeal; and to my mind the car parking proposed for the 2 floors of offices together is inadequate in both layout and number. No other points raised in your representations can offset my conclusion that the application was rightly refused.

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

I am Sir  
Your obedient Servant

*C. S. McDonald*

C S McDonald MA(Oxon) DMA LMRTPI Solicitor  
Inspector

29 May 1990

JK/HAJ/4/0235/89  
Mr J Knapp  
2380

Mr P S Burdess  
31 Ringshall  
BERKHAMSTED  
Herts  
HP4 1ND

Dear Sir

3/4 MAYLANDS AVENUE, HEMEL HEMPSTEAD

Thank you for your letter of 16 April on the above subject.

I have carried out a further inspection of the site and would confirm that the building erected is clearly not built in accordance with the approved plans. There is an increase in the overall height, of approximately 0.8m, although the height from eaves to ridge appears consistent with the drawing.

The initial fear of the Council was that the increase in height will enable the creation of additional office floor space, for which parking space was not available. It is now apparent that the increased internal volume contained within the area is between ground and first floors, and does not provide further floor area. In the circumstances, therefore, I do not propose to take any further action in this matter.

Yours faithfully

  
D NOBLE  
DEVELOPMENT CONTROL MANAGER  
PLANNING DEPARTMENT

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

LA



**DACORUM BOROUGH COUNCIL**

To

Mr P S Patel  
3/4 Maylands Avenue  
Hemel Hempstead  
Herts

Paul Burdess  
Architect  
31 Ringshall  
Berkhamsted, Herts HP4 1ND

..... Second floor extension to form offices.....  
.....  
at .... 3-4 Maylands Avenue., Hemel Hempstead, Herts.....  
.....

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 ..... 1.2.89..... and received with sufficient particulars on ..... 6.2.89..... 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 is excessive on a site which is inadequate satisfactorily to accommodate the proposal together with the necessary vehicle parking facilities.

Dated ... 3rd ..... day of April ..... 19 89

Signed..... *Wm Barnard* .....

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.