

& COUNTRY PLANNING ACTS, 1971 and 1972



**DACORUM BOROUGH COUNCIL**

To Ardenoak Limited  
101 High Street  
Tring  
Herts

T S Benwell and Partners  
Roslyn House  
47 Buckingham Road  
Aylesbury, Bucks.

Two Storey Building for light industrial storage  
and office use and car parking.  
at 101 High Street, Tring, 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 8.2.90 and received with sufficient particulars on 14.02.90 and shown on the plan(s) accompanying such application.

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

1. The proposal represents an intensification and enlargement of an industrial use which is inappropriate in this town centre and Conservation Area location, and which would have an adverse effect on the amenities and privacy at present enjoyed by neighbouring residential properties.
2. The proposed car parking area would adversely affect the setting of a Grade II listed building.

Dated Tenth day of May 19 90

Signed *[Signature]*

SEE NOTES OVERLEAF

P/D.15

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 the date 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.



# Planning Inspectorate

Department of the Environment

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D/491/HB/P

~~1) D/A~~  
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Dacorum Borough Council					Your reference	
Ref					Ack.	TSB 390
C.F.C.	U.P.P.	P.P.	D.C.	B.C.	Admin.	Our reference
					T/APP/1910/A/90/161723/P8	File
						Date
Received						10 JAN 1991
Comments						

1910/A/90/161723/P8  
-9 JAN 91

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY ARDENOK LIMITED  
APPLICATION NO:- 4/0239/90

- 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 erection of premises for Class B1 business use at No 101 High Street, Tring. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly by the Parish Council, the Georgian Group and other interested persons to the Council which have been forwarded to me. I inspected the site on 28 November 1990.
- The site is situated within a conservation area and within the curtilage of No 101 High Street, which is a listed building. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that where proposed development would affect a listed building or its setting special regard must be paid to the desirability of preserving the building or its setting; similarly, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Against this background, from my inspection of the site and its surroundings and from the representations made I consider that this appeal turns on 2 principal issues. First, whether or not the proposed development would preserve or enhance the character of the conservation area and preserve the setting of the listed building; and second, whether or not it would harm the amenity of neighbouring residents.
- You have contended that the proposed development would not intensify industrial activity on the site, and from your description of the processes and activities involved and from what I saw on my site inspection I have concluded that the proposal would be unlikely to lead to a significant intensification of industrial activity and consequent harm to the amenity of the locality, as the Council have claimed.
- However, the proposed building would be noticeably taller and wider than the existing one and would have a much greater bulk. In my opinion the existing building occupies a prominent position in Langdon Street and its elevated location in relation to the High Street means that it is clearly visible from that highway also. It seems to me that the proposed building would, because of its greater height and bulk, appear as an unpleasantly obtrusive feature in the street scene and would thus harm the character of the conservation area.

5. I also take the view that the close proximity of the building to No 101 High Street would mean that its bulk would intrude into the setting of the listed building. Furthermore, I consider that the extensive area of parking space proposed along the western boundary of No 101, while reasonably well screened from the highway, would serve to detract from the pleasant appearance of the existing grounds which in my view form an attractive setting for this substantial and dignified old building.

6. Turning to the relationship of the proposed building to nearby houses, I can find no reasons to suggest that these houses would be subject to overlooking from the upper windows of the building. On the other hand, it seems to me that the 8 m high south gable wall of the building would be situated only a very few metres from side windows of No 54 Langdon Street, so that the outlook from these windows would be dominated by its presence. While I acknowledge that the 2 windows which would be affected are not crucial to the outlook of the main rooms of this dwelling I nevertheless consider that occupiers of No 54 would find the house a less pleasant place in which to live as a consequence of the proposed development.

7. I therefore find your clients' proposal to be unacceptable because it would fail to preserve or enhance the character of the conservation area and fail to preserve the setting of the listed building; it would also be likely to harm the amenity of neighbouring residents. I have noted your references to central government policy which emphasises the importance of small firms to the national economy and in this context I have concluded that the proposal would be unlikely to harm the amenity of the area in terms of industrial activity on the site; nonetheless, because the development would cause demonstrable harm to interests of acknowledged importance I find it to be unacceptable. I also acknowledge that in the neighbourhood of Langdon Street and within the conservation area there are other industrial and commercial premises but it appears to me that these activities do not affect the setting of a listed building, as in the case of No 101 High Street. Similarly, I have taken into account all other matters raised, including the support of the Council's Planning Officer for the proposal, but I find none of these to be of such weight as to override the considerations which have led me to my conclusion.

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

I am Sir  
Your obedient Servant

*TERENCE N POVEY*

TERENCE N POVEY BA BArch MA FRTPI RIBA MBIM  
Inspector