

2525/182



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Mr R J Aitchison FRICS  
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Handwritten notes and stamps:  
- A large 'X' mark over the text.  
- '21 JAN 1975' written in the center.  
- 'SEC' written at the bottom.  
- 'NA/DM' written at the top right of the stamp area.

Your reference  
NA/DM  
Our reference  
T/APP/5252/A/75/7748/G5  
Date

21 JAN 1975

377-75D

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR E G JOHNSON  
APPLICATION NO. 4/0246/75

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council, to refuse planning permission for the change of use of the first floor from residential to office use at 54, London Road, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on Thursday 18 December 1975.

2. From my inspection of the site and surroundings and the representations made I am of the opinion that the decision in this case is primarily dependent upon whether the proposal would entail the loss of a dwelling which, in the current situation of housing shortage, should be retained, and whether it would be likely to result in additional highway hazards which ought not to be accepted.

3. The building in question is an old, 2-storey end of terrace property in an area of mixed use and obsolete layout, fronting the north side of trunk road A41 on the inside of a bend, west of a 2-storey commercial building which projects forward about 12 ft in front of the front main wall of the terrace. Because of the bend in the road and the forward projection of the western building, visibility between vehicles emerging from the narrow entrance to the yard at the rear of No. 54 London Road, and vehicles approaching from the west, is sharply restricted, while vehicles slowing and turning from the trunk road carriageway to the entrance, must be likely to interfere with the free flow of traffic around the bend. In my opinion, any office use of the first floor rooms in question would probably result in an increase in the number of vehicles moving to and from the premises, and in the particular circumstances of the appeal site, I conclude that the proposal would therefore result in highway hazards which should not be accepted.

4. The 3 first floor rooms under consideration together with ground floor bathroom and kitchen accommodation, have hitherto been in use as a dwelling. Development by virtue of a recently granted planning permission for the extension of the existing ground floor betting office, would deprive the dwelling of the bathroom and kitchen, but, according to the plan submitted, it would provide a separate entrance to the first floor and about 32 sq ft of ground floor space for use with a water closet.

5. Whether or not your client proceeds with the development to extend the betting shop is entirely a matter for him, but there appears to be no compelling reasons why a shower bath should not be incorporated in the ground floor water closet space, and a first floor room adapted for kitchen use, leaving a separate living room and a bedroom. I accept that in this noisy position adjoining the busy trunk road, the dwelling would not have a high standard of amenities, and I do not regard the general housing need, in these circumstances, as being in itself a decisive objection to your client's proposal, but I do take it to be significant additional justification for withholding planning permission for the proposed change of use.

6. I have considered the other points raised in the representations, but I find them of insufficient weight to affect my decision.

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

I am Sir  
Your obedient Servant

*R. Woodford*

R WOODFORD DipTP MRTPI  
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning Ref. No. 4/0246/75

Other Ref. No. 377/75D

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THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To Mr. E. G. Johnson, 13 Queens Road, Berkhamsted, Hertfordshire. Agent: R. J. Aitchison F.R.I.C.S., 63 Marlowes, Hemel Hempstead, Hertfordshire.

Change of use of first floor to office.
at 54 London Road, 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 12th March, 1975 and received with sufficient particulars on 13th March, 1975 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 would represent the loss of a satisfactory living unit.
(2). The proposed arrangements for access and car parking at the rear of the property are unsatisfactory in that there is inadequate manoeuvring space to enable vehicles to enter and leave in a forward direction.
(3). The proposed use would generate additional traffic and the resultant turning movements on the abutting highway would be a potential hazard.

Dated SEVENTH day of MAY 1975

Signed Director of Technical Services. Designation

## NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.