

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To
 Fotorama (UK) Ltd
 15 Western Road
 Tring

.....Change of use from retail and residential to.....
retail and office.....
 at 15 Western Road, Tring.....

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 1985..... and received with sufficient particulars on
13th March 1985..... 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 proposed development would result in the loss of a unit which is still capable of satisfactory residential use.
- (2) There is no provision for vehicle parking within the site to meet standards adopted by the local planning authority.
- (3) The proposed change of use would be contrary to the policy of the local planning authority to restrict office uses to the Commercial Areas of Hemel Hempstead, Berkhamsted and Tring, and the Council does not accept that there are overwhelming reasons in this particular case to allow such a use outside these commercial areas.

Dated25th..... day ofApril.....19 85..

Signed.....

Chief Planning Officer

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, 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.
- (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.

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CJ



Department of the Environment and Department of Transport

Common Services

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Council Ref: 4/0305/85 and 4/1372/85E

16744

16 JUN 1986

File No.

Date

APPRO

Brian Branwhite AMSST Esq
Barclays Bank Chambers
65 High Street
TRING
Herts
HP23 4AD

--Your reference--

3053

PLANNING DEPARTMENT

Our reference DACRUM DISTRICT COUNCIL

T/APP/A1910/C/85/3562/P6 and

T/APP/A1910/A/85/038511/P6.

Date

C.P.O.

13 JUN 86

B.C.

Admin.

File

Received

13 JUN 1986

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTIONS 88 AND 36 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEALS BY FOTORAMA (UK) LIMITED
LAND AND BUILDINGS AT 15 WESTERN ROAD, TRING

1. I have been appointed by the Secretary of State for the Environment to determine these appeals. They are against an enforcement notice issued by the Dacorum Borough Council and against a refusal of planning permission by that Council concerning the above-mentioned land and buildings. I have considered all the representations made by you and by the council and also those made by interested persons. I inspected the site on 29 April 1986.
2.
 - a. The date of the notice is 26 July 1985.
 - b. The breach of planning control alleged in the notice is the change of use of the land from use for retail and residential purposes to use for retail and office purposes.
 - c. The requirements of the notice are the discontinuance of the use of the land for office purposes.
 - d. The period for compliance with the notice is 6 months.
 - e. The appeal was made on grounds 88(2)(a), (g) and (h).
3. The development for which planning permission was refused is the change of use from retail and residential to retail and office.
4. No 15 is the end of terrace 3-storey property occupying a corner site at the junction of Western Road and Queen Street. The main frontage is to Western Street with access to the ground floor shop. The longer return frontage to Queen Street has a side door with stairs leading to the upper floors, and a gate to a small open courtyard area behind the building which also provides access to a 2-storey building, formerly a barn and now incorporated into the office use of the premises.
5. On the ground floor the front room provides a shop. Behind it 2 office spaces have been created either side of the chimney breast and at the rear of the building there are small tea room and toilet compartments and access to the courtyard. From one of the offices there is an opening into the staircase, by the door to Queen Street. On the first floor 3 rooms are fitted and occupied as offices. On the second floor the former kitchen space has also been brought into use as an office; at the rear the bathroom facilities remain. In the store building across the

courtyard the ground floor is used as a post room and the upper floor in connection with the office use of the building.

6. Western Road is a main route through the town. The remainder of the terrace block is in residential use but there are further commercially used properties along the road. Queen Street is a short length of road leading to King Street and a mostly residential area. Behind No 15 there is the garage of the adjoining No 17 and then a former coal merchants office, behind which is sited a large store building. At the end of the road a council yard is used by large vehicles. On the opposite side of Queen Street there are the gardens behind the houses at each end of the road, that at No 13 Western Road having been used until recently as a doctor's surgery. Parking in Queen Street is restricted at either end of the road.

7. I saw on my visit that No 15 is part of a residential terrace. Notwithstanding the shop on the ground floor the layout of the premises, in particular the separate entry to the upper floors from Queen Street, seem to me to be well suited to provide a dual occupation of the property. And the present high standard of furnishing and decoration achieved throughout the building does not persuade me that the upper floors could not also be brought back satisfactorily into residential use. I do not therefore support your claim that the building is unsuited for use as a shop with separate residential accommodation on the upper floors. From the representations made and my own observations the issues on which I assess the appeals are the effect of the use of the whole of No 15 as a shop and offices on the character of the area and on the quality of the local environment.

8. My impression of this area is that while there are a number of commercial premises in the neighbourhood nevertheless the residential influence remains predominant. The office use now being carried on is in conjunction with the ground floor shop and the whole property is being used as one entity for your client's business. I regard this usage as excessive in regard to the modest scale and size of the premises and consider it represents over-development of the small terrace property. In my opinion such occupation in the residential terrace block in the mainly residential area adversely affects the character of this locality.

9. In assessing the impact made by the commercial use in environmental terms, I do not think that the office use of the building would in itself cause disturbance to neighbours; and there is no evidence of excessive noise through the party wall on the upper floors. Entry to the premises is through the shop at the front of the building and residential amenities would not be affected by activity on the return frontage to Queen Street. But the quality of the environment may also be affected by pressures in other ways. No off-street parking spaces are provided and while I note your assurances that adequate provision is made in the nearby roads, I have also had regard to the submissions that there is a general parking problem in the area. I do not think that Queen Street can be claimed as providing sufficient parking space as there is evidence that it is already used as an overflow from the nearby residential streets where, as I saw on my visit, the majority of the terrace houses have to rely on parking in the street. And while I also note that the use of the doctor's surgery opposite has ceased, and therefore eased the parking problem, it is not clear from the representations whether that use may not re-start there in the future. With 11 people employed by the business, and bearing in mind that visitors on business may also come by car, I do not consider that an office use on such a scale should be introduced in this location where there is already a shortage of parking space and where, unlike in the commercial area of the town where the council seeks to locate offices, there is no public car park within easy distance. In my opinion the pleasantness of the environment for people living in the locality would be harmed.

10. I have noted your comments about the number of flats currently available in the town and, in the light of Circular 14/85, I do not regard the loss of this particular residential accommodation as an overriding issue without stronger evidence of the penalties likely to result. Nor am I of the view that advice in Circular 22/80 in respect of the encouragement to be given to small businesses inhibits my assessment that your client's business has successfully made its debut and has now outgrown the premises which it initially occupied. In the circumstances my conclusion is that the continued use of No 13 as offices and a shop should not be ratified by a grant of planning permission. The appeals will therefore be dismissed.

11. On ground (g) in the enforcement appeal I do not consider it excessive to require the office use of the premises, for which I do not propose to grant planning permission, to be discontinued.

12. On ground (h) in view of the local employment provided I propose to substantially increase the period for compliance to allow your client more time to find alternative accommodation for his business.

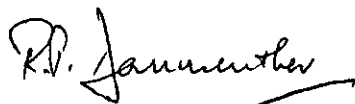
13. I have taken into account all the other matters raised in the written representations, including the letters from interested persons, and am of the opinion they do not outweigh the considerations on which I have based my decision.

FORMAL DECISION

14. For the above reasons and in exercise of the powers transferred to me I hereby dismiss both appeals. In the section 88 appeal I hereby direct that the notice be varied in the operative part by deleting the words "six months" and substituting therefor the words "12 months". Subject to this variation I hereby uphold the notice and refuse to grant planning permission on the application deemed to have been made under section 88B(3) of the amended 1971 Act, and also in the section 36 appeal.

15. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Sir
Your obedient Servant



R P DANNREUTHER
Inspector

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