

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0314/91

A.Southerton
r/o 254 High Street
Berkhamsted
Herts

Mr.D.Clarke
47 Gravel Lane
Hemel Hempstead
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Rear of 254 High Street, Berkhamsted,

TWO STOREY EXTENSION TO VETINARY SURGERY WITH FLAT ABOVE

Your application for *full planning permission* dated 14.02.1991 and received on 07.03.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 23.05.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0314/91

Date of Decision: 23.05.1991



1. The proposed development would introduce a substantial new building onto a site which is intended to form part of a larger redevelopment of this area of Berkhamsted. The proposal is therefore in conflict with, and prejudicial to, the comprehensive redevelopment of the area between St Johns Well Lane and Lower Kings Road which is necessary in the interest of the proper planning of Berkhamsted.
2. The design of the proposed extension is unsympathetic to the character of Berkhamsted Conservation Area and would have a seriously detrimental effect on the appearance of the area.
3. The proposal would necessitate the removal of a mature yew tree which would have a detrimental effect on the environment of the locality.
4. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.
5. The design of the proposed residential unit is unsatisfactory as it provides no private amenity space for the use of residents.



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Department of the Environment

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PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Mr D Clarke
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HEMEL HEMPSTEAD
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Ref.					Ack.		Your reference	
C.P.D.	T.C.P.	D.P.	D.C.	B.C.	Admin.	File	Out reference	
							T/APP/A1910/A/91/188438/P8	
Received					28 JAN 1992			Date
Comments					22 OCT 91			

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR A SOUTHERTON
APPLICATION NO: 4/0314/91

1. 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 District Council to refuse planning permission for the erection of a 2-storey extension to a veterinary surgery on land at the rear of 254 High Street, Berkhamsted. I have considered the written representations made by you and by the Council. I inspected the site on Monday 30 September 1991.

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:-

- i. be likely to prejudice the successful and satisfactory redevelopment of this part of Berkhamsted town centre;
- ii. preserve or enhance the character and appearance of the Conservation Area within which the site lies, in accordance with the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- iii. prejudice the safety and free flow of traffic in the public highway by reason of inadequate provision of off-street car parking space;
- iv. be unsatisfactory in itself by reason of inadequate provision of amenity space for use by occupiers of the proposed residential accommodation.

3. On the question of prejudice to central area redevelopment, I note that offers to purchase the appeal site for redevelopment have been made and subsequently withdrawn as schemes have foundered. The planning authority are minded to grant permission in respect of a recent scheme subject to the signing of a Section 106 agreement which is in course of negotiation. They take the view that implementation of redevelopment proposals will be largely dependent upon the availability of private sector finance, and they consider that the responsibility for the assembly of land for the implementation of redevelopment proposals rests with the developer, but they have resolved to "consider the acquisition of sites by agreement or compulsory powers" and they are "committed to a pro-active role in ensuring the implementation of redevelopment proposals." I take this to mean that should the appellants be unable to satisfactorily continue their activities, in their present premises, the authority would consider the purchase of the appeal property. This would safeguard



future redevelopment and should assist the relocation and re-establishment of the veterinary surgery upon an alternative site.

4. The appeal property is backland adjoining neglected orchard and scrub to the north and west, and surface car parks to the east. Access is by a narrow driveway from trunk road A41 to the south. The driveway runs between shop and office premises fronting the main road at the back of the public footway, and the site is in the heart of the area intended for redevelopment. In these circumstances I consider it self-evident that the extension of the veterinary surgery would prejudice the redevelopment of this part of central Berkhamsted. The existing building is an intrusion into an area which appears to be ripe for comprehensive redevelopment. Its extension would make it more difficult and expensive to remove or adapt to accord with a comprehensive scheme for redevelopment.

5. I sympathise with the appellants in their predicament, with their need to repair and extend the surgery and the long history of uncertainty, but in the light of the Council's policies, their resolution to consider the purchase of property, and their commitment to a positive role in securing the implementations of redevelopment proposals, I am satisfied that the planning objection on grounds of prejudice to satisfactory redevelopment alone justifies the refusal of planning permission, and I conclude that this appeal should fail.

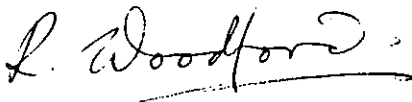
6. On the conservation issue, I accept that the particular design of the extension would not accord well with the design of the older buildings in the surrounding Conservation Area. In this and in the likely loss of an old yew tree, the proposal would not preserve or enhance the character and appearance of the Conservation Area, and I take this consideration to be a further justification for the refusal of permission.

7. On the further issues of inadequate parking space and amenity space for residential occupiers, I have no reason to regard the planning authority's normal requirements as unreasonable, but in view of the situation of the veterinary surgery adjoining public car parks in the town centre, I consider that the objections which arise on these grounds would not in themselves be decisive.

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

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



R WOODFORD DipTP MRTPI
Inspector