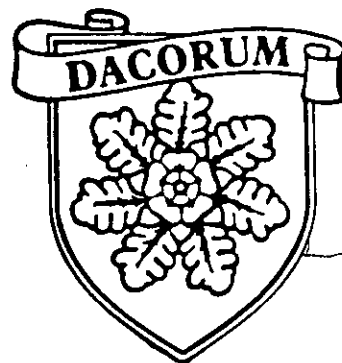


TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0370/95

Mr H A Janes  
1 Hill Crescent  
Totteridge  
London  
N20 8HB

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

28 Lawn Lane, Hemel Hempstead, Herts

CHANGE OF USE SHOP (A1) TO SHOP SELLING HOT FOOD (A3)

Your application for *full planning permission* dated 22.03.1995 and received on 23.03.1995 has been **REFUSED**, for the reasons set out on the attached sheet(s).



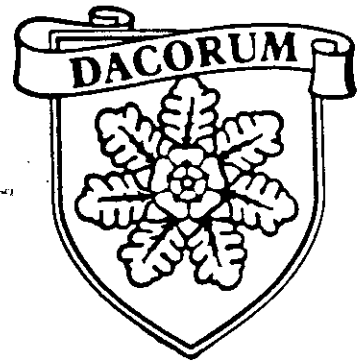
Director of Planning

Date of Decision: 19.05.1995

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0370/95

Date of Decision: 19.05.1995



1. In the opinion of the local planning authority the introduction of a further shop for the sale of hot food in this location would be liable to create noise and disturbance and lead to an increase in traffic visiting the site especially in the evenings. Such activities would have a detrimental effect on the residential and general amenities of the surrounding area contrary to the aims of Policy 8 of the Dacorum Borough Local Plan.
2. The addition of a take-away use is likely to generate a demand for short stay on-street parking; this is likely to exacerbate existing parking problems which would result in consequential inconvenience and danger to road users on this heavily trafficked highway.



# The Planning Inspectorate

*An Executive Agency in the Department of the Environment and the Welsh Office*

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Mr H A Janes  
1 Hill Crescent  
Totteridge  
London  
N20 8HB

Your Ref:

Our Ref:

T/APP/A1910/A/95/254956/P6

Date:

27 OCT 1995	
Received	30 OCT 1995
Comments	

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPLICATION NO: 4/0370/95

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for the change of use from shop (A1) to shop selling hot food (A3) at 28 Lawn Lane, Hemel Hempstead, Herts. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on 11 October 1995.

2. From my inspection of the site and its surroundings and my consideration of the written representations made I judge that the main issues in this case are first, the effect that the development would have on the living conditions of local residents with particular regard to noise and disturbance, and secondly, the implications that the parking requirements of the business would have for highway safety.

3. The appeal site is located on the west side of Lawn Lane within a mixed commercial and residential area. The premises comprise a single storey shop unit and rear yard. The unit was formerly used as a shop for the sale and hire of fancy dress costumes and aerobics wear but is currently vacant. There is a forecourt between the shop front and the pavement which is sufficient for parking one vehicle. There is also a parking lay-by immediately in front of the property and off-street parking is permitted on the pavement on the opposite side of the road. The existing A3 uses in the vicinity of the site include a public house, pizzeria, fish and chip shop and a cafe. There are several properties nearby which have residential flats above the commercial businesses operating from the ground floor including the adjacent property at No 30 Lawn Lane. On the east side of Lawn Lane there are rows of terraced houses which are separated from the street by a high embankment.

4. The Dacorum Borough Local Plan was adopted in April 1995 and I have given considerable weight to it in accordance with the advice contained in Planning Policy Guidance Note 1. Policy 8 sets out various criteria with which development is expected to comply



including that it avoids harm to the surrounding neighbourhood and adjoining properties; that the traffic generated can be accommodated on surrounding roads without serious detriment to amenity, safety or traffic flow and it provides sufficient parking and space for servicing.

5. On the first issue, the Council is concerned that the proposed use would be likely to generate a significantly greater throughput of customers for considerably longer hours than a retail shop. Given the proximity of the premises to residential properties I consider that the coming and going of customers either on foot or by car particularly during evenings when residents could otherwise reasonably expect a reduced level of activity would materially increase noise and disturbance experienced by neighbours contrary to the aims of Policy 8. Whilst there are other A3 uses in the immediate vicinity I believe that the development would be likely to exacerbate the existing level of disturbance already experienced by residents in the evenings. Since I consider that the protection of residential amenity would demand such restricted hours as to call into question the benefit of any permission granted I do not believe that this objection could be overcome by the imposition of a planning condition relating to hours of opening.

6. On the second issue, the Council's current car parking standards require one space for the existing use. The requirement for a Class A3 hot food take-away is one space per 3 m<sup>2</sup> of public area plus an allocation for staff use. Since only one car parking space is available there would clearly be a significant shortfall in car parking provision which would have to be met by on-street spaces. When I visited the site I saw that the parking bays on both sides of the road were almost fully occupied. This confirms the Council's evidence that existing parking facilities are inadequate and I believe that there is already a parking problem in the area.

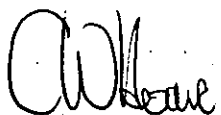
7. You contend that the need for short-stay parking for customers would generally be at less busy times. However, I consider that the existing A3 uses in the road must inevitably extend the requirement for parking outside peak hours. In my opinion, the proposed use would be likely to result in a material increase in traffic and demand for on-street parking compared to the existing use. Bearing in mind the location of the site fronting a classified road and fairly close to a busy roundabout; a pedestrian crossing and the entrance to a petrol filling station I believe that this would have a significant adverse impact on the safety of people using Lawn Lane contrary to the objectives of Policy 8.

8. You have drawn support from a recent approval for the change of use of Nos 38/40 Lawn Lane from shop/office use to restaurant/takeaway. This property was previously used for the sale of motor vehicle parts and motor cycles with the first floor in office use. The Council state that this caused considerable problems of congestion as large numbers of motor cycles were displayed on the forecourt and on the highway. In the circumstances I do not regard this development as directly comparable to the appeal proposal which I have considered on its own merits.

9. I have taken account of the other matters raised in the representations but do not consider that there are any of sufficient weight to outweigh those planning considerations that have led me to my decision.

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

Yours faithfully

A handwritten signature in cursive script, appearing to read 'C W Hoare'.

MRS C W HOARE LLB Solicitor  
Inspector