

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To Mr C Izamis  
c/o NHM Limited  
188 Cemetery Road  
Houghton Regis, Beds. LU5 5DA

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Houghton Regis, Beds. LU5 5DA

..... Change of use Residential to Offices at .....  
..... first and second floor .....  
at ..... 27 Queensway .....  
..... Hemel Hempstead, 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 ..... 1.3.88 ..... and received with sufficient particulars on ..... 16.3.88 ..... 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 satisfactory residential accommodation contrary to Policy 56 of the adopted Dacorum District Plan.
2. There is no provision for vehicle parking within the site to meet standards adopted by the local planning authority.

Dated TWELFTH ..... day of MAY ..... 19 88

Signed.....  .....

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 receipt 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.

# Department of the Environment and Department of Transport



Common Services

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Messrs Pickworths  
37 Marlowes  
HEMEL HEMPSTEAD  
Herts  
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CHIEF EXECUTIVE  
OFFICER

5 DEC 1988

File Ref. ....

Refer to ....

Clea. no. ....

Your reference: T/APP/A1910/A/88/98115/P4  
DSF/RKW/IZAMIST COUNCIL

Our reference

T/APP/A1910/A/88/98115/P4

Date

1 DEC 88

5 DEC 1988

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MR C IZAMIS  
APPLICATION NO: 4/0489/88

1. I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. The appeal is against the decision of the Dacorum Borough Council to refuse full planning permission for the change of use to offices of the first and second floors of 27 Queensway, Hemel Hempstead. I have considered the written representations made by you and by the Council. I inspected the site on 4 November 1988.
2. From my inspection of the site and surroundings and consideration of the representations made it seems to me that the 2 main issues to be determined are:
  - i. whether the proposal would be an unacceptable loss of residential accommodation, and
  - ii. whether the proposal would be unacceptable because of a lack of parking facilities.
3. No. 27 Queensway is a 3 storey building with a ground floor shop at the junction of Queensway and High Street in the older centre of Hemel Hempstead. The area is commercial in character with many fine buildings of traditional appearance.
4. The Dacorum Local Plan has been in operation for the past 4 years or so, and seeks in policy 19 to provide parking to an adopted standard. The change of use from residential accommodation to office purposes is resisted in policy 56 of the Plan.
5. The proposal is short of one parking space in an area where car parking space is at premium. I note the Council reject a payment to provide a parking facility. I note further that your client has been offered a space elsewhere but this, to my mind, cannot be directly linked to the proposed use in the same degree as a more formal arrangement. However many businesses in the older centre of the town are successful no doubt with such arrangements, and to my mind the outcome of your client's appeal rests on consideration of other issues rather than the lack of one parking space.
6. The appeal premises have an independent access but are hemmed in at the rear by other buildings and are lacking any outdoor amenity space. In my opinion the accommodation in the appeal premises, situated as it is at the busy road junction, falls short of providing a satisfactory standard for residential use.

7. The proposal, whilst it would involve the loss of residential accommodation, would not in my view harm the aims of the Local Plan policies as the accommodation falls below an acceptable modern standard regarding its residential amenities in my opinion, I note the premises have been vacant for some time although this, and consideration of the appeal decision in respect of 13A Marlowes, has not influenced the outcome of the appeal which has been determined entirely on its merits.

8. I have come to the conclusion that in the absence of a sound and clear cut planning objection, the best interests of the Conservation Area would be served by the renovation of a pleasant building, and your client's appeal should succeed.

9. I have taken into account all the matters raised in the representations but do not find them of such strength as to affect my decision.

10. For the above reasons and in exercise of the powers transferred to me I hereby allow this appeal and grant full planning permission for the change of use to offices of the first and second floors of 27 Queensway, Hemel Hempstead in accordance with the application dated 1 March 1988 (Reference No. 4/0489/88) subject to the condition that the development hereby approved shall be commenced not later than 5 years from the date of this letter.

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971..

I am Gentlemen  
Your obedient Servant



T R W ROBERTS RIBA DipTP MRTPI  
Inspector