

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To
 B.A. Maister Esq.,
 C/o H.J. Maister,
 67 Greenacres,
 93 Hendon Way,
 Finchley,
 London N.3.

Agents: Cruickshanks,
 Town Planning Consultants,
 Rye House,
 29, London Road,
 High Wycombe,
 Bucks.

Change of use of first and second floor to offices

at 262 High Street, Berkhamsted.

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 **5th June, 1975** and received with sufficient particulars on **9th June, 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 result in the loss of existing residential accommodation.
2. Office use would be contrary to the allocation of the area primarily for shopping purposes.

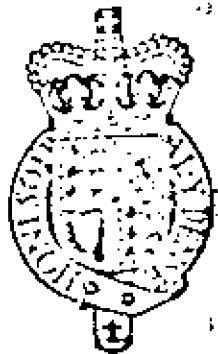
Dated **4th** day of **September**, 19 **75**

Signed.....

**Director of Technical
 Services.**

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.



Department of the Environment

Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 373

Messrs Cruickshanks
Rye House
London Road
HIGH WYCOMBE
Bucks
HP11 1BZ

Your reference

39/75/RP/BAS

Our reference

T/APP/5257/A/76/571/C6

Date

- 8 JUL 1976

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY MR R A MAISTER

APPLICATION NO:- 4/0540/75 *(868-751)*

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 and second floors of 262 High Street, Berkhamsted to offices. I have considered the written representations made by you and by the council. I inspected the site on 21 June 1976.

2. From my inspection of the site and its surroundings, and the representations made, I am of the opinion that the determining issue is whether or not the proposal would be undesirable in that it would involve the loss of residential accommodation.

3. The appeal premises contain a hairdresser's shop in 3 rooms on the first floor with a residential unit in the form of a bedroom, study and lounge on the second floor. The kitchen and toilet area are in 2 rooms on the first floor. The second floor is reached by way of a narrow staircase with a very low ceiling, and headroom is further restricted in the second floor hallway. The first and second floors have a single access direct to the High Street, separate from the ground floor shop unit which has its own. Attached to the rear of the ground floor there are a number of outbuildings and an overgrown, long, back garden.

4. The High Street is part of the A41 trunk road as it passes through the town. It carries heavy traffic. Street parking is not restricted on the northern side in front of the appeal premises.

5. While recognising that the existing residential accommodation is limited and rather cramped, it is not untypical of the older type of property, such as this one is, to be found in town centres. Although the situation in the middle of the High Street is one in which it will suffer from noise and dust, nevertheless such accommodation is conveniently located in relation to the shops for which the area is primarily allocated. Its smallness as a unit is not a handicap because there is a stated need for just such units in this town centre. I accept your view that the premises would make a conveniently placed small office unit, and I also accept that there may be a ready demand for it. Nevertheless it would be wrong, in my judgement, to depart from the council's declared policy of encouraging the use of the upper floors of business premises in a case such as this where the premises are still capable of continued residential use. The existing residential unit in the appeal premises can, as you state,

only be occupied along with the first floor for practical reasons. I can see no compelling reason why it should not continue to be so used either in its present form in conjunction with a hairdresser's shop which accords with the allocation of the premises, or as one enlarged residential unit incorporating the shop area. The lack of on site carparking space is, in my view, more of a disadvantage in terms of the proposed office use since such use must necessarily generate a greater demand for car parking for staff and clients even if such use were restricted to a local firm.

6. I have considered all other matters raised in the representations but these are not of such weight as to alter my decision.

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

I am Gentlemen
Your obedient Servant

T. O. Morgan

T. O. MORGAN BA FCIT
Inspector