

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To The Owners
50 Lawn Lane
9, 10, 11 and 11A Corner Hall
Hemel Hempstead
Herts

Wardlaw Milne Associates
64 The Mall
Ealing
London W5 5LS

..... Change of use from dwellings to offices

at 9, 10, 11 and 11A Corner Hall, 50 Lawn Lane,
Hemel Hempstead

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 16 March 1989 and received with sufficient particulars on 28 March 1989 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 applicant is unable to provide adequate visibility sight lines for vehicles leaving the site, and this is likely to result in conditions prejudicial to highways and pedestrian safety.
2. There is inadequate provision for vehicle parking and turning within the site to meet standards adopted by the local planning authority.
3. The proposal to demolish part of 11 Corner Hall to provide an access to the development would have a seriously detrimental effect on the character and appearance of this group of Grade II Listed Buildings.

Dated 20th day of ... July '89

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

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.



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 W5 3TJ

Your reference

Our reference

T/APP/A1910/A/89/138015/P7 and A/90/153597/P7

Date

10 DEC 90

ack

14 DEC 1990

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPEALS BY MESSRS G CAMPBELL, M LEWIS, P CAMPBELL, C ROGERS, H MCKENSIE AND
 M KENSETT
 APPLICATION NOS: 4/0554/89 AND 4/1621/89

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals against the decisions of the Dacorum Borough Council to refuse planning permission for 2 schemes for the change of use from 5 dwelling houses to offices with car parking at No 50 Lawn Lane and Nos 9, 10, 11 and 11A Corner Hall, Hemel Hempstead. I held a hearing into the appeals on 7 November 1990.
2. The appeal site comprises 5 cottages which form a terrace on the corner of Lawn Lane and Corner Hall. The dwellings are listed individually and as a group. At the rear of the houses there is a small area which is partly divided into gardens and also contains a small parking area. Each of the schemes put forward envisages the conversion of the cottages into offices and using all of the open space at the rear for parking cars. In appeal No A/89/138015/P7 you propose to demolish part of the ground floor of No 11 Corner Hall to form a vehicular access through an archway to the proposed parking area from Corner Hall which is a one-way street with relatively little traffic. No application has been made for listed building consent, but I was told that detailed proposals and an application for listed building consent would be made if this appeal is successful. However the proposed alterations are a material consideration and it is appropriate that I should take account of the effect of the proposal upon the building having regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. In the second appeal, the listed buildings would be unaltered, but access to the car park would be through the existing, but enlarged, opening onto Lawn Lane which carries constant heavy traffic.
4. Accordingly, having visited the site and its surroundings and having taken account of the matters raised at the hearing I consider that the main issues in these appeals are; in respect of appeal No A/89/138015/P7, first, whether the proposed alterations would cause harm to the character and appearance of the listed buildings, and secondly, whether the arrangements for car parking and vehicular access to the site would lead to hazards for highway users; and in respect of appeal No A/90/153597/P7 whether the arrangements for car parking and vehicular access to the site would lead to hazards for road users.
5. At the hearing I was told that living conditions for the occupants had become intolerable in the last few years. Whereas until recently, Corner Hall was a quiet road and a pleasant backwater, the appeal site is now surrounded by commercial development, with a large office scheme nearby and a discount warehouse. The residents

suffered not only noise and disturbance during the course of construction of those projects, but continue to find that overnight work, including removal of skips, is a continuing feature of the warehouse facility. A fish and chip shop close by in Lawn Lane creates nuisance by way of rubbish, and as a result of late evening customers calling. In addition, planning applications have been lodged for a site adjoining the appeal premises as a result of which there is a realistic likelihood of further disturbance from piling and excavation works.

6. In consequence of these matters the value of the cottages has fallen while continued occupation as residences is now tenuous. The appellants have therefore joined together in the hope that permission for change of use would enable them to realise their assets.

7. From my inspection of the area I understand and appreciate the appellants' concerns and I believe that the Council do also. I agree that conversion of the existing buildings to offices would probably ensure preservation of the fabric of the listed buildings whereas the likelihood is that, as houses, the properties would suffer neglect as the value falls. Office use would also be compatible with the surrounding premises.

8. However, the space available for vehicles to be parked falls below the guideline which the Council have now adopted, and falls to reach the less rigorous standards incorporated in the Dacorum District Plan dated January 1984. Nevertheless Planning Policy Guidance Note 13 suggests that consistency with local parking standards cannot be regarded as the sole test, while the size and nature of the development is a factor to be taken into account. At the hearing it was conceded by the Council that some overspill parking in the bay almost next to the site in Corner Hall would not be harmful. Within the site itself, while manoeuvring would be restricted there may be scope for some diminution of standards since this would be a small compact development. Having regard to all the relevant circumstances I have come to the conclusion that the proposals for parking provision on the site would be acceptable in this particular instance.

9. Visibility for cars emerging from the existing access on to Lawn Lane is very limited. It was suggested for the appellants that the existing provision for on-street parking to the north of the site would allow vehicles to come out beyond the line of the footpath without impeding the flow of traffic in order to see vehicles coming from the south. However it was clear to me that, because of a slight bend in the road, vision would be limited with consequent dangers. In any event there would be no certainty that the on-street parking presently permitted would remain because of the heavy traffic using Lawn Lane.

10. The proposed access onto Corner Hall would also fall below the standards sought by the Council's engineers, or those recommended in PPG13. Nevertheless at my inspection of the site I was able to assess the degree of traffic movement in Corner Hall and to consider the potential dangers arising out of the proposal to form a new access through an archway. Traffic was limited and was slow moving, largely because everything passing the site had slowed substantially to take the corner from Lawn Lane. Given the width of the road, and the fact that there is a one-way system in operation I conclude that the proposed scheme would be acceptable in all the circumstances of this particular appeal.

11. Turning to the issue of the new archway I am concerned to preserve the existing listed buildings in their original state as far as is practically possible. From my inspection of the interior of the cottages it was apparent to me that many alterations had been made to the buildings over the years. In this case further alterations have been proposed with the aim of retaining the buildings.

12. I am reminded that paragraph 19 of Circular 8/87 suggests that new uses for old buildings may often be the key to their preservation and that controls should be relaxed where this would enable historic buildings to be given a new lease of life, and that such advice is particularly important when the future of old buildings is threatened by neglect and decay or redevelopment. In this case you have suggested that the proposed arch would be similar to many such openings in the Old High Street of Hemel Hempstead, which I have also visited. While this proposal would not, in my opinion, wholly reflect the Old High Street properties, it could be a feature sympathetic to the existing buildings if carefully detailed. In my view it is the group as a whole which merits retention rather than any individual cottage or part of a building.

13. I have come to the conclusion that in this case the new archway would preserve the group of cottages and that the proposed alterations should be allowed. However I shall impose conditions to ensure that the design of the new opening will be a matter for detailed approval. Similarly I agree with the Council that the proposed offices should not be occupied until the parking provisions have been provided and I shall attach a condition in that respect also, together with a condition requiring the closing of the existing access onto Lawn Lane.

14. In reaching my decision I have taken account of all other matters raised, including the long term effects of development now under consideration on the adjoining Shaw and Kilburn site. However I have found nothing which outweighs the balance of my conclusions on the main planning issues.

15. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss appeal No A/90/153597/P7 and refuse to grant planning permission; but I hereby allow appeal No A/89/138015/P7, and grant planning permission for the change of use from 5 dwelling houses to offices with car parking at No 50 Lawn Lane and Nos 9, 10, 11 and 11A Corner Hall, Hemel Hempstead in accordance with the terms of the application (No 4/0554/89) dated 16 March 1989 subject to the following conditions:

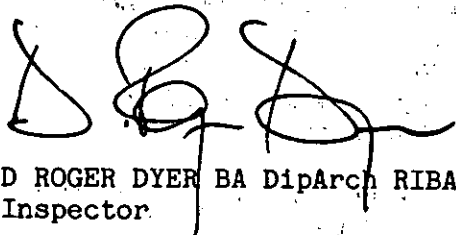
1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;
2. the development hereby permitted shall not be occupied until space laid out within the site shall have been provided in accordance with the plan attached to application No 4/0554/89;
3. details of the design of the access arch including the design of any adjustments to the fabric surrounding the new opening shall be submitted to and approved by the local planning authority before building or other operations start;
4. the development hereby permitted shall not be occupied until the existing vehicular access onto Lawn Lane shall have been closed.

16. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period. The developer's attention is drawn to the enclosed note relating to the requirements of the Buildings (Disabled People) Regulations 1987.

17. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990. Your attention is also drawn to the provisions of Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent

to be obtained for works for the demolition, alteration or extension of a listed building which would affect its character as a building of special architectural or historic interest.

I am Gentlemen
Your obedient Servant



D ROGER DYER BA DipArch RIBA FCI Arb FASI Barrister
Inspector

ENC

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Dated ... 20th ... day of ... July ... '89

Signed.....

Chief Planning Officer

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