

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref. No. 4/0628/93

J B Waldron
44 Thumpers
Hemel Hempstead
Herts
HP2 5SJ

M J Waldron
31 Rannock Walk
Hemel Hempstead
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

44 Thumpers, Hemel Hempstead, Herts

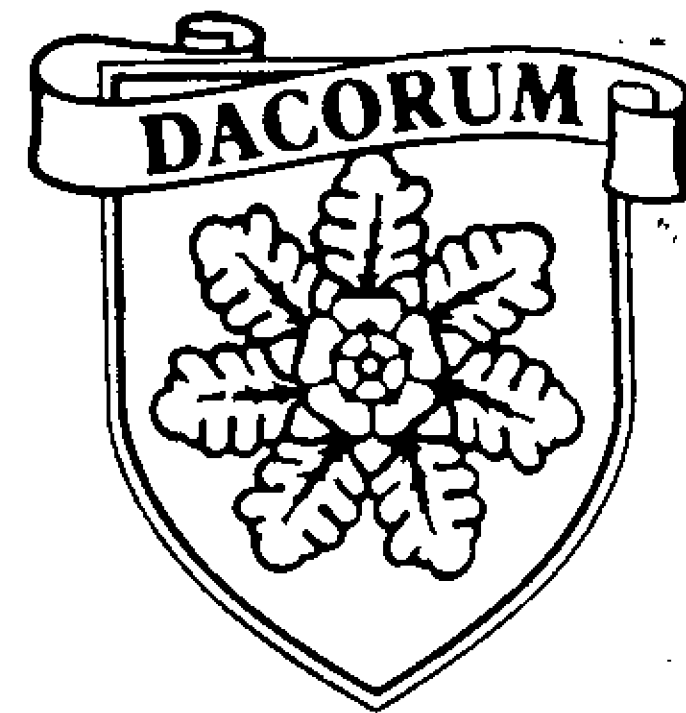
SINGLE STOREY REAR EXTENSION

Your application for *full planning permission (householder)* dated 07.04.1993 and received on 04.05.1993 has been *GRANTED*, subject to any conditions set out on the attached sheet(s).

Director of Planning.

Date of Decision: 28.06.1993

(encs. - Conditions and Notes).



CONDITIONS APPLICABLE
TO APPLICATION: 4/0628/93

Date of Decision: 28.06.1993

1. The development to which this permission relates shall be begun within a period of five years commencing on the date of this notice.

Reason: To comply with the provisions of s.91 of the Town and Country Planning Act 1990.

2. The materials used externally shall match both in colour and texture those on the existing building of which this development shall form a part.

Reason: To ensure a satisfactory appearance.

3. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 or any amendment thereto there shall be no alterations or additions to the western flank wall of the extension hereby permitted without the express written permission of the local planning authority.

Reason: In order that the local planning authority may retain control over changes to the western flank wall in the interests of safeguarding the privacy of No. 43 Thumpers which abuts the site. The insertion of a window within this elevation of the extension will overlook No. 43.



The Planning Inspectorate

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

Room 1404

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PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

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1374

Ref.

Ack.

DoP

TOPP

DP

PP

PP

PP

PP

PP

PP

A E King Esq

Osborne Lodge

Wick Road

Wigginton

TRING

Herts HP23

Received

14 JAN 1994

Your Ref:

Comments

Our Ref:

6HQ

T/APP/A1910/A/93/227535/P7

Date:

13 JAN 1994

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY: SOMPRESS PROPERTIES LTD
APPLICATION NUMBER: 4/0629/93

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 Borough Council to refuse planning permission to use the ground floor of 1, Christchurch Road, Hemel Hempstead for business use within Class B1 of the Town and Country Planning (Use Classes Order) 1987. I conducted a hearing into this appeal on 8 December 1993 and inspected the site on 10 December 1993.

2. From my inspection of the site and its surroundings and consideration of all the matters put to me at the hearing and in writing I consider the main issues in this case are:

1. the effect of the appeal proposal on the character of the area in the light of Council policies to limit commercial development to specified areas;

2. the effect of the proposal on highway safety in the light of the proposed parking arrangements.

3. The Development Plan for the area comprises the Hertfordshire County Structure Plan First Alterations approved in 1992 and the Dacorum District Plan adopted in 1984. Policies in the development plan seek to protect and enhance existing settlements and the essential character of urban and rural areas. Planning permission for new offices, extensions to existing offices or changes of use to offices will normally be granted only where the proposal is located within the commercial area of the town centre of Hemel Hempstead as defined on the Proposals Map.

4. The Dacorum Borough Local Plan is progressing through the statutory stages to adoption. Policies in the emerging local plan reassert the differentiation between town and local centres and residential areas. In the formulation of the new



policies clear limits to the town centre of Hemel Hempstead have been defined. I attach considerable weight to these emerging policies in the light of the progress towards adoption.

5. The appeal site is a detached building standing prominently at the junction of Christchurch Road and Alexandra Road. Originally a substantial dwelling house, the building at ground floor level was formerly used for many years as office accommodation in connection with the printing works at 3 Christchurch Road. More recently part of the ground floor has been used in connection with an undertaker's business. The first floor accommodation has remained in residential use. Despite its commercial uses in the past the building retains its residential appearance. The internal layout reflects this impression; access to the first floor flat has not been divided from the ground floor rooms which consist of a modern kitchen and three reception rooms.

6. Opposite the appeal site in Christchurch Road is a large church. Apart from the printing works at Number 3, Christchurch Road is a residential street with a wide variety of house styles and designs. In Alexandra Road are a number of commercial premises which extend to No 17 which immediately adjoins the site. In the recent review of the town centre boundaries the appeal site has been excluded from the commercial area and incorporated in the adjoining residential area.

7. You argued that the appeal premises are not in a residential area. In your view it forms part of a long established commercial frontage which extends from No 3 Christchurch Road along Alexandra Road to the town centre. From my site visit I formed the view that the appeal premises were part of the residential area on the fringe of the town centre. They gave the appearance of a dwelling house and apart from the small printing works next door Christchurch Road is essentially residential in character. The planning history of the site is far from clear but what did emerge at the hearing indicated that the past commercial uses of the building were limited to only part of the ground floor and were ancillary to the continued use of the first floor for residential purposes. The proposal would represent a distinct and separate commercial use of the ground floor rooms. There is no shortage of B1 premises within the town centre. In the light of the contribution the site makes to the street scene in terms of its prominence and siting and having regard to the local planning policies which seek to protect residential areas from encroachment from commercial uses I consider the appeal proposal would be damaging to the character of the area and undermine the objectives of the Council's policies.

8. The second issue relates to the provision of parking space. The scheme provides 4 car parking spaces. The Council's parking standards are comprised in the Review of Hertfordshire Car Parking Standards 1992 which echo provisions

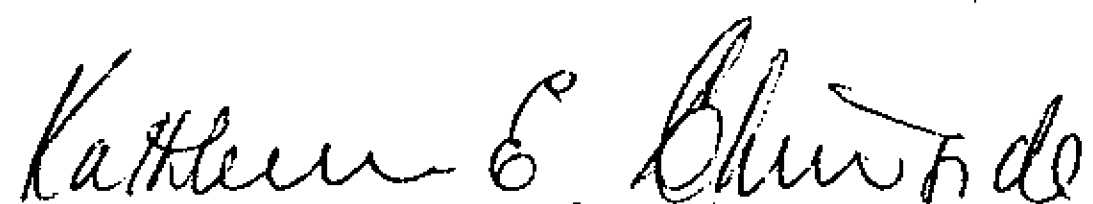
in the adopted and emerging local plan. These require not only spaces for the offices but also 2 additional spaces for the flat at first floor. There is clearly a shortfall of 2 spaces although you argued that the residential accommodation's car parking had always been on street and therefore no separate provision was necessary. You further argued that in providing the 4 spaces for the offices part of the premises would be demolished thereby lessening the extent of the site coverage.

9. Christchurch Road and the immediately adjoining streets are very heavily congested with parked cars on both sides of the roads. As these are relatively narrow there is considerable congestion and often parking on the footways. I learned at the hearing that this has led to inconvenience to pedestrians. I have no doubt that the safety and free flow of traffic in this part of the town is put at risk by the level of on street parking. In my view any separate use of the ground floor of the premises from the flat should provide adequate parking to approved standards for both uses. I do not consider the dual use of the office spaces between office and flat is acceptable. Whilst PPG13 advises flexibility in applying standards, in this instance I consider full provision should be made in the interests of highway safety. In the absence of 6 car parking spaces in the scheme I consider the proposal is unacceptable.

10. I have considered all other matters drawn to my attention but nothing leads me to take any other views on the main issues in this case.

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

Yours faithfully



Mrs K E CHIRNSIDE LLB Solicitor
Inspector

APPEARANCES

FOR THE APPELLANT

Mr A E King BA BPI MRTPI

Osborne Lodge, Wick Road,
Wigginton, Tring, Herts

Mr A Foster

Managing Director,
Sompess Properties Ltd

FOR THE COUNCIL

Mr N C Gibbs BA BTP MRTPI

Senior Planning Officer,
Dacorum Borough Council

INTERESTED PERSONS

Mrs M Wells

41, Christchurch Road,
Hemel Hempstead

DOCUMENTS

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| Document 1 | List of persons present at the hearing |
| Document 2 | Letter of notification of the holding of the hearing |
| Document 3 | Dacorum Borough Local Plan Timetable |
| Document 4 | Improved photocopies of parts of the Appellant's statement |

PLANS

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| Plan 1 | Plan showing ground and first floor layout taken from 1980 planning permission |
| Plan 2 | First floor layout ref. 4/1545/83 |