

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0643/91

M Elverson
Hastoe Hill Cottage
Hastoe
HP23 6LX

Gordon J Scott
2 Grange Road
Tring
Herts
HP23 5JP

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

73 High Street, Hemel Hempstead,

CONVERSION OF STORAGE ROOM TO FORM STUDIO FLAT

Your application for *full planning permission* dated 10.05.1991 and received on 15.05.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 24.06.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0643/91

Date of Decision: 24.06.1991



1. The storage room and associated curtilage are inadequate and unsuitable for conversion into a self-contained dwelling because:
 - (a) the curtilage will lack privacy due to its relationship with adjoining land and buildings;
 - (b) the use of the parking area adjoining the proposed patio garden will cause noise, disturbance and overlooking;
 - (c) the use of the patio area will be likely to cause a loss of privacy to "Angel Cottage";
 - (d) the development is likely to prejudice the long term retention of existing trees, the loss of which would be to the detriment of both residential and visual amenity, thereby harming the character of the Hemel Hempstead Conservation Area.
2. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.



Planning Inspectorate
Department of the Environment

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D/740/JBL/P

12/2/91 AM
2/2/91

Mr G J Scott FRICS
2 Grange Road
TRING
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PLANNING DEPARTMENT						Your reference	
DACORUM BOROUGH COUNCIL						GJS/GS/248	
Ref.						Ack.	Our reference
C.P.O.	I.C.P.M.	D.P.	D.C.	P.C.	Admin.	T/APP/A1910/A/91/187888/P8	
						Date	
Received						21 OCT 1991	18 OCT 91
Comments							

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY: MR M ELVERSON
APPLICATION NO: 4/0643/91

1. As you know I have been appointed by the Secretary of State for the Environment to determine your client's appeal which is against the decision of the Dacorum Borough Council to refuse full planning permission for the conversion of rear ground floor to studio flat at the rear of 73 High Street, Hemel Hempstead. I have considered the written representations made by you, the Council and by an interested person made at the time the application was being considered.
2. From my inspection of the site and surroundings made on 27 September 1991, and from what I have read, it seems to me the main issues to be determined are the effect of the project for people living nearby and on the conservation area in which it is located.
3. The appeal premises form the ground floor of the rear portion of 73 High Street and are approached by an access shared with Angel Cottage and Mulberry Court.
4. In the long established town centre the need for small units of accommodation is acknowledged. The appropriate policy consideration in the emerging Local Plan seeks to prevent a loss of privacy and to prevent disturbance or the creation of other unneighbourly conditions for people living nearby. The Plan also restates the need for parking spaces based on the size of the unit and with regard to its location.
5. Turning first to consider the effect of the project for people living nearby; it seems to me that in the compact development at the rear of the High Street there must be a measure of mutual overlooking and disturbance existing at present. Whilst there is a large feature window in the proposed studio flat it would not look directly towards Angel Cottage or Mulberry Court. I note the intention to rebuild the enclosing fence so that separation at ground floor level would be maintained, also the proposed flat would be at a lower level, so that to my mind the project would not cause a significant loss of privacy for the occupiers of either property. Therefore, I have concluded that the proposed change of use, with the provision of suitable soundproofing, would not significantly alter the present level of activity or be detrimental to the amenities enjoyed by people living nearby.
6. The older centre of Hemel Hempstead surrounding No 73 is within a conservation area where Sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. I am satisfied that the change to a residential use of the rear ground floor would be in character



with the area, thus, preserve the appearance of the conservation area. I note the Council is concerned for the long term survival of the holly tree, however, it seems to me that a residential use would not so affect its environment as to jeopardise its future to a significant degree and warrant rejecting the project.

7. The proposed unit would have the advantage of being self-contained and the occupier would also have access to the present rear garden. In my view the amenities provided by the project for a future occupier would be of an acceptable standard and the proposed studio flat would make a useful addition to the stock of smaller units in the town centre.

8. Turning next to consider the question of parking spaces; I note that one of the parking spaces would be reserved for the occupier of the proposed unit. National advice indicates that a failure to comply with the standard laid down would not necessarily form a reason to reject a project if other factors do not warrant the withholding of permission. In this instance, bearing in mind the location of the project within the town centre and the small size of the unit, it seems to me that the project would not be rejected for the reason that it would have only one parking space.

9. I have come to the conclusion that the residential use of the rear ground floor of No 74 would not significantly affect the residential amenities of people living nearby and would preserve the character of the conservation area in which it is located. Therefore, your client's appeal should succeed but with the imposition of conditions.

10. 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.

11. 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 conversion of the rear ground floor to a studio flat at No 73 High Street, Hemel Hempstead in accordance with the application dated 10 May 1991 (Reference No 4/0643/91) and the drawing submitted therewith subject to the following conditions:

- i. the development hereby approved shall be begun not later than 5 years from the date of this letter;
- ii. a scheme of soundproofing approved by the Council shall be implemented before the occupation of the studio flat.

12. Attention is drawn to the fact that 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 approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

13. 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.

I am Sir
Your obedient Servant


J R W ROBERTS RIBA DipTP MRTPI
Inspector