



**Department of the Environment and  
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Common Services

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**CHIEF EXECUTIVE  
OFFICER**

**17 JUN 1987**

File No.

Refer to

CBM

Maurice Phillips Architects

30 Bovington Green

HEMEL HEMPSTEAD

Herts

HP3 0LD

Your reference

Our reference

T/APP/A1910/A/87/62791/P4 DACORUM BOROUGH COUNCIL

Ref.

Date

16 JUN 87		Ack.	
C.P.O.	D.P.	D.C.	B.C.
		Admin.	File

Received

**17 JUN 1987**

Comments

SCHEDULE 9

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:- 4/0688/86

1. I have been appointed by the Secretary of State for the Environment to determine your appeal. Your appeal is against the decision of the Dacorum Borough Council to refuse planning permission for an Architect's Studio on land adjacent to Hempstead House, Vicarage Lane, Kings Langley. I have considered the written representations made by you and by the council and the parish council and also those made by interested persons. I inspected the site on 30 April 1987.
2. From my inspection of the site and its surroundings and from the representations made I consider that the main issues are whether or not the proposal would, i. lead to unacceptable overshadowing of an office window in the side of Hempstead House, ii. conflict with the objectives of the district plan policy which normally restricts office developments to certain specified commercial areas, iii. lead to unacceptable inconvenience for other road users through the inadequate provision of space for off-street parking, and, iv. have an adverse effect on the street scene through the loss of or damage to existing trees.
3. The reasons for refusal say that the design of the proposed building is out of character with the adjacent conservation area. Although the application was in outline the submitted plans showed details of the building and it is on these details that the council's comments are based. However your appeal statement makes it clear that you regard the details as indicative only and subject to amendment. There is nothing in the council's submission which leads me to the view that it would not be possible to design a building which would be compatible with the appearance of its surroundings. I am however concerned that any 2-storey building on the appeal site would overshadow the neighbouring Hempstead House which has a facing window in a first floor office. I read that the sub-lease of the company which occupies the office waives its right to light or free air space. However the contents of the sub-lease are not material to my assessment of the planning effects of the proposal. It would of course be possible to condition a planning permission so that any office was single-storey but in view of the restricted site area I consider that any such condition would be unduly onerous.
4. Policy 53 in the adopted Dacorum District Plan says that planning permission for new offices will normally only be granted where the proposal is located within the commercial area of the town centres of Hemel Hempstead, Berkhamstead and Tring. The first part of policy 54 imposes certain additional restrictions on office development. The second part of policy 54 allows exceptions for offices in the local interest. It is not entirely clear whether these are exceptions just to the first part of 54 or also to policy 53, but from the context it seems likely that the

latter interpretation is intended. From your description of your practice it appears that it provides a service to the local community. However it seems that the studio is intended to cater for a possible expansion of the practice at which time there would be no guarantee that the present pattern of work would be maintained.

5. There is a difference of opinion about the car parking requirement for the building. The Chief Planning Officer's report says that the building has 87 sq m of floor space and thus requires 3 spaces to meet the District Plan's parking guidelines of one space per 35 sq m gross. You say that the proposal is for 70 sq m of floor space which is lower than might be concluded from measuring the external dimensions of the building. In view of the way the building is designed it seems to me that there may be an argument for taking the lower figure in this case. In addition the council's submission does not make it clear whether parking provision should be to the nearest whole number required by the guideline or to the next highest whole number. If the former is the case, the standard can be met on any of the interpretations of floor space. I also consider that any assessment of the adequacy of parking provision must be tempered by the fact that the final design could show a lower floor space.

6. There are 2 yew trees in front of the existing garage on the appeal site. You produce a report from an arboricultural consultant who feels that the tree nearest to the proposed building would have to be removed. However he considers that its removal would probably be to the advantage of the remaining trees. The consultant's view that the removal of one tree would be advantageous appears to be confirmed by the recent tree preservation order produced by the council which covers only one of the trees. The council produce no other evidence to support their fourth reason for refusal but, given that the preservation order protects only one of the trees, it is reasonable to assume that they are not so concerned about the loss of the smaller tree. Your consultant considers that the construction of the proposed building might cause minimal disturbance to the larger tree but this supposition depends on the possibility that the presence of the smaller tree has diverted its roots elsewhere. I do not consider that one can rule out the possibility that the proposal would lead to the loss of both trees, and if this happened I consider that it would have a serious effect on the street scene.

7. You refer to an earlier appeal decision in respect of the conversion of Hempstead House from a surgery to offices. However it is clear from the Inspector's decision letter that he considered that the proposed change of use would ensure the retention of a pleasant building which made a valuable contribution to the street scene. I consider that the absence of such a consideration in the present case effectively differentiates the 2 proposals.

8. I conclude that the arguments against the design of the building and the inadequacy of parking provision are not substantiated. However there are a number of other objections which I consider to be valid. I am not convinced that any one of these objections is decisive but when they are taken together I consider that they constitute the sound and clear-cut reasons for refusal required by Circular 22/80. I have considered all the other matters raised in the written representations but find that they do not outweigh the considerations which lead me to my decision.

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

I am Gentlemen  
Your obedient Servant



G ARROWSMITH BA MCD MRTPI  
Inspector

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

## DACORUM BOROUGH COUNCIL

To Maurice Phillips  
Architects  
30 Bovington Green  
Hemel Hempstead  
Hertfordshire

Architects Studio (Outline)

at Adjacent Hempstead House, CVicarage Lane,  
Kings Langley

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 16th May 1986 and received with sufficient particulars on 21st May 1986 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 is contrary to Policy 53 of the Dacorum District Plan which states that office developments will normally only be permitted in the commercial areas of Berkhamsted, Hemel Hempstead and Tring.
2. The design of the proposed building is out of character with the adjacent Conservation Area.
3. The proposal has inadequate space for off-street car parking.
4. The proposed siting of the building would adversely affect existing trees which contribute to the street scene in Vicarage Lane.

Dated 17th day of July 1986.

Signed



SEE NOTES OVERLEAF

P/D.15

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.