



# Department of the Environment and Department of Transport

Common Services

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PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL					
Ref.					
C.P.O.	D.P.	B.C.	Admin.	File	
22 NOV 1983					
Comments					
Your reference					
Our reference T/APP/A1910/A/83/004850/PE1					
Date 21 NOV 1983					

Mr David Silverman  
9c Eastbury Road  
OXHEY  
Herts  
WD1 4PU

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY: MR MICHAEL SHIELDS  
APPLICATION NO: 4/0760/83

- I have been appointed to determine your client's appeal by the Secretary of State for the Environment. This appeal is against the decision of the Dacorum District Council to refuse planning permission for a single-storey rear extension and change of use of first floor to offices, and car parking at 130-132 High Street, Berkhamsted. I have considered the written representations made by you, the council and interested persons. I inspected the site on Tuesday 1 November 1983.
- From my inspection of the appeal premises and their surroundings and from the representations made, I am of the opinion that the main issues are whether provision for on-site car parking is necessary in connection with the proposed development and, if so, whether the proposed provision would be adequate.
- During my inspection I saw that the first floor has an area of just over 100 sq m, of which the greater part over No 130 is vacant and the remainder is occupied as storage for the sports shop on the ground floor of No 132. Both parts are approached up steep stairs and their general condition is very poor so that in my opinion any use except rough secondary storage would require considerable works of repair and alteration. It is proposed to convert the whole first floor to offices, approached by a single flight of stairs. It is also proposed to provide new toilet facilities for the ground floor uses, using a disused part of the ground floor for those in connection with No 130 and a new single-storey extension in part of the rear yard for those in connection with No 132.
- Although the last known use of the appeal premises was for residential purposes, I note that there is no policy objection to the loss of this space due to its poor condition and amenities, and that the premises are in the Commercial Area shown on the District Plan to which that Plan seeks to direct office development. Accordingly, I consider that the proposed office use is appropriate and, furthermore, the associated works of repair and renovation should assist in preserving and using this listed building.
- The effect of the change would be to add about 120 sq m of usable floor space, for which the council's standards would require 3 extra parking spaces while reducing the size of the rear yard space, which is potentially suitable for access and parking vehicles, by the equivalent of a parking space suitable for one small vehicle. I accept that there is a great pressure on the car parks in central Berkhamsted and I note that the council considers that new development should be self-supporting in car

parking provision, based on its District Plan Policy No 19. While there are some buildings that have no on-site parking space, I consider that it is necessary to ensure that this potential space can be used for that purpose.

6. I saw that vehicular access to the rear yard is over Church Lane, which is narrow with fairly tight corners from High Street. Since that lane plays a limited role in providing rear service access to the shops, and for car parking, I see no reason why the open yard at the rear of the buildings should not be used for those purposes. At present, it could contribute up to 3 extra parking spaces to meet the need in Berkhamsted and this could include the extra need that would result from the proposed development. Part of the rear yard could be reserved for goods vehicles if the use of the buildings were to justify such a need, but whether used for goods vehicles, car parking or pedestrian access, the whole of the present available space is barely sufficient to provide parking space for the proposed office use, and the proposed single-storey extension would reduce that by the equivalent of one small car space. Therefore, in all the circumstances, I am of the opinion that the proposed yard space is inadequate for the proposed development.

7. I have taken account of all the other matters in the representations but I am of the opinion that they do not outweigh the considerations that led me to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your client's appeal.

I am Sir

Your obedient Servant

*D. J. Tuckett*

D J TUCKETT ARICS MRTPI  
Inspector

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

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Mr M Shields  
9 Clonard Way  
Hatch End  
Middlesex

Mr D Silverman  
9c Eastbury Road  
Oxhey  
Herts  
WD1 4PU

..... Single storey rear extension, change of use of .....  
..... first floor to offices and car parking .....  
at ... 130/2 High Street, Berkhamsted .....  
.....

Brief  
description  
and location  
of proposed  
development.

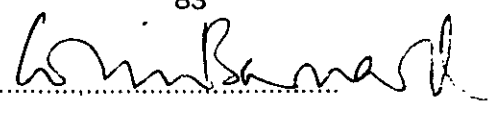
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated ..... 23rd May 1983 ..... and received with sufficient particulars on ..... 8th June 1983 ..... and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:—

1. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.
2. The area proposed for car parking is unsuitable by virtue of its size shape and access.

Dated .... 21st ..... day of ..... July ..... 19 83 ..

Signed .....

  
Chief Planning Officer

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, 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.
- (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.