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Messrs Stimpson, Lock & Vince
9 Station Road
WATFORD
Hertfordshire
WD1 1DY

Your reference

FAB/BG

Our reference

T/APP/5252/A/77/2141/G5

Date

31 OCT 77

Gentlemen

008008

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/0829/76

1. I am writing to you in connection with your appeal, which I have been appointed to determine, against the decision of Dacorum District Council to refuse planning permission for the temporary change of use of the first floor from residential to offices at No 33 Marlowes, Hemel Hempstead, Hertfordshire. As you will be aware, I inspected the site on 28 September 1977.
2. On the basis of my inspection of the site and surroundings and my consideration of the written representations made by you, the local planning authority and interested persons, I have decided that the determining issue in this case is whether or not the proposed development would represent an undesirable reduction in the housing stock of this part of Hemel Hempstead.
3. The appeal site is located to the north of the town centre of Hemel Hempstead and has a frontage to Marlowes, a local distributor road running from north to south and connecting the former shopping centre of the older urban area with what is now the commercial centre of Hemel Hempstead New Town. The site is approximately 800 m north of the centre of the new main shopping area.
4. The building on the site is one of a parade of shops, built about 50 years ago, which are similar in appearance, forming a terraced row with shop units of about 80 sq m on the ground floor and residential accommodation in the form of a maisonette unit of roughly 100 sq m on the upper 2 floors. The residential unit on the appeal site has an independent access from the street and access, by a separate stairway through the shop premises, to the space behind the building. The residential accommodation is vacant and the shop unit is in use as an estate agency.
5. Having inspected the appeal site, I have formed the impression that the original design and layout of the building was conceived as a shop unit with associated residential accommodation for the owner or tenant only in view of the unusual internal layout of stairways. It seems to me that it is not now particularly suitable for retail trading since it is on the fringe of what is now the main shopping area and lacks the full storage and rear servicing facilities which are now regarded as desirable in most retail premises.

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For Mr.

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6. The residential accommodation itself is, in my view, of marginal suitability in the light of modern standards of space and amenity. It is tolerably well lighted and has a reasonable orientation and outlook front and rear but its main access stairway is very steep and dark, the back garden is small and not easily accessible and is, moreover, overshadowed and overlooked by the nearby block of old people's flats.

7. In the particular circumstances of the case, I would not regard the loss of one residential unit as unacceptable as it might be in an area of housing stress. Situated as it is within a post-war new town area, I imagine that the standard of accommodation it provides compares very unfavourably with housing available elsewhere within the designated area of the new town. I am also aware that planning permission has recently been granted for 154 new units of housing on the vacant land immediately to the east. In relation to the probable quantity and quality of the local housing stock, therefore, I cannot see that the loss of one such unit of housing accommodation would have any significant impact.

8. I have taken into account the provisions of the approved development plan and also the contents of the non-statutory review document "Hertfordshire 1981" which have been referred to in the written representations. In my opinion, the apparent conflict in land allocation policies for the area surrounding the appeal site, contained in these documents, quite reasonably reflects the dynamics of change in what is an expanding urban area and will presumably be resolved in any local plan which may be adopted by the local planning authority in the near future.

9. In the circumstances, I am inclined to regard the proposed development as unlikely to seriously upset the balance of housing provision in the locality. I am particularly influenced by the pattern of largely non-retail uses within the adjoining premises and the fact that proposals have recently been made to significantly increase the overall housing stock of this part of Hemel Hempstead. However, I consider that the accommodation in question should only be used in connection with the present use of the ground floor as offices in view of the problems of possible noise, disturbance and additional traffic generation which its independent office use might create.

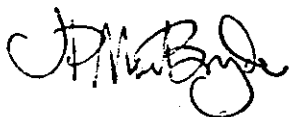
10. I have taken into account all the other matters raised in the written representations, but do not find them of enough weight to affect my decision. For the above reasons and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use of the first floor from residential to offices at No 33 Marlowes, Hemel Hempstead, Hertfordshire in accordance with the terms of the application (No. 4/0829/76) dated 26 July 1976 and the plans submitted therewith (Drawing No 1655) subject to the following conditions:

1. the use hereby permitted shall cease on or before the end of a 5 year period starting from the date of this letter.

2. the premises shall be used as estate agency offices and for no other purpose (including any other purpose in Class II of the Schedule to the Town and Country Planning (Use Classes) Order 1972).

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'J P MacBryde'.

J P MacBRYDE DA(Edin) DiptP(Lond) ARIBA MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

.....

To Stimpson, Lock & Vince,
Design and Planning Department,
9, Station Road,
Watford WD1 1DY.

..... Temporary change of use first floor from

..... residential to office

at ... 33 Marlowes., 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
..... 26th July, 1976 and received with sufficient particulars on
..... 28th July, 1976 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 proposed development would result in the loss of a satisfactory residential unit.
- 2) The proposed use as offices would be contrary to proposals on the approved Town Map - the property is within an area allocated primarily for residential purposes with shopping frontage.
- 3) There are other suitable sites for office development located in the Town Centre.

Dated 2nd day of September 19 76...

Signed 

Designation Director of Technical Services

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, Whitehall, London, S.W.1.) 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.