

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

Messrs. Wainwrights,
29, High Street,
To Hemel Hempstead.

Agents: Foster and Emery,
29 High Street,
Hemel Hempstead.

Change of use from Residential to Offices

at 44A, High Street, 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 17th September 1975 and received with sufficient particulars on 22nd September 1975 (Complete on 17/12/75) 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 living unit.
2. The proposal would be contrary to the allocation of the area for primarily shopping purposes on the Town Map.

Dated 12th day of February 19 76

Signed. 

Designation Director of Technical Services.

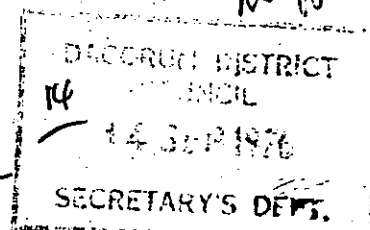
NOTE

- (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.



Department of the Environment
Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 384



Messrs Wainwrights
Solicitors
29 High Street
HEMEL HEMPSTEAD
Herts
HP1 3AA

Your reference

K/EW/895C

Our reference

T/APP/5252/A/76/4247/G9

Date

10 SEP 76

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 1451/75D

1. I refer to your appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for change of use from residential to offices at 44A High Street, Hemel Hempstead.

2. From my inspection of the premises and surroundings on 23 August 1976, and from my consideration of the written representations made by you, the council, another party and interested persons, I am of the opinion that the decision in this appeal rests primarily on whether the loss of residential accommodation would be acceptable and whether the proposed use would be in the best interests of preserving the shopping character of the High Street Conservation Area in the longer term.

3. The appeal premises, which are on the first floor above a shop at No 44, comprise 4 rooms, kitchen, bathroom/toilet, with a large loft above, and are reached by narrow twisting stairs and a passageway with a door on to the High Street. This passageway is at present used for storage in connection with the shop, and there is also a room under the kitchen being used for storage so that the living accommodation, which can also be entered from the shop, does not have its own private access although it is otherwise self-contained. The 2 back rooms of the accommodation and a corridor connecting all the rooms have very low ceilings, and most of the building is old although it still appears to be in basically sound condition. The shop is at present used as a showroom for the display of electrical goods and appliances in conjunction with another shop next door but one. There is a single storey shop used as a ladies' and gentlemen's hairdressers in between. The northern side of the appeal premises adjoin the old town hall which is now only used for public and private functions. The land at the rear of the appeal premises, beyond a small open area, has been gravelled over and is used as a car park in conjunction with land behind the shops on the southern side. It is reached by an alley between Nos 38-40 High Street which also gives access to a new parish hall and the rectory which are to the west of the parking area. The appeal premises do not have any amenity space, other than by sharing the small open space behind the shop.

4. The High Street of Hemel Hempstead has considerable old world charm well worthy of preservation by inclusion in a Conservation Area but, with the large Marlowes shopping area of the new town only a short distance to the south catering for practically every shopping need, I feel there is a danger, unless very great care is taken to control non-conforming uses of premises in this older street, that the shopping character may deteriorate as has happened in other towns where modern, custom-built shopping precincts have been provided.

5. The occupier of No 44 does not require the appeal premises, which are vacant at present, as living accommodation, and because of the very low ceilings of the 2 back rooms and the corridor their use for this or any other purpose would be difficult unless improvements were made. In a Conservation Area zoned primarily for shopping purposes, it does not seem to me to be desirable to allow the introduction of additional office uses, and to allow such an independent use of No 44A might well limit the possible range of shopping uses to which No 44 could be put in the future. Moreover I think it could lead to a proposal, which it would be unreasonable to refuse if the present shop use ceased, for the ground floor also to be used as offices. I am consequently of the view that the proposal would not be in the best interests of preserving the shopping character of the area in the longer term.

6. Apart from these considerations, there would be a loss of a residential unit which could be made suitable for renewed use. While the standard of accommodation would not be particularly high if it was occupied as an independent unit because of the lack of amenity space and a private access, such a use would not be impossible. However its use in conjunction with the shop, perhaps for housing an employee, would be quite satisfactory with renovations. In the circumstances I see no justification, from a planning point of view, for making an exception to the council's policy, which I think is soundly based, of not normally allowing a change of use to offices of living accommodation suitable for continued use as such, even though you have a requirement for more office space, would be able to comply with a condition restricting the use to a locally based firm, and would find the appeal premises, which are opposite your present offices, very conveniently situated.

7. I have examined all the other matters raised in the written representations, including the availability of some parking space at the rear which could be used in conjunction with the offices, but there is nothing of the substance needed to affect my decision. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



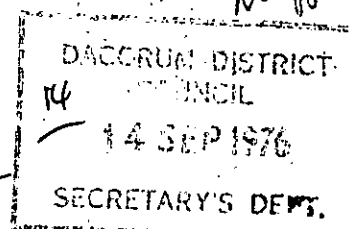
J M DANIEL DFC MBIM
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