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Your reference

Our reference

CHIEF EXECUTIVE OFFICER 1 4 JUL 1987 PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL		T/APP/A1910/A/87/064509/P2	
		Data	
File Ref	Ref	Ack	13 JUL 87
Refer to	CPO	DP	EC
Cleared		Admin	File
Received		14 JUL 1987	
Comments			

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY SUNLEY HOLDINGS LIMITED
 APPLICATION NO: 4/0872/86

- I have been appointed by the Secretary of State for the Environment to determine the above appeal against the decision of the Dacorum District Council to refuse planning permission for the change of use of the first and second floors of 151 High Street, Berkshampsted from residential use to offices. I have considered the written representations made by you and by the council and I inspected the site and its surroundings on 1 June 1987.
- From my inspection and the representations before me I consider that this appeal raises 2 main issues. Firstly whether, having regard to its location and design, and the council's policies, the proposed change of use would result in an unacceptable loss of residential accommodation; and secondly, the adequacy of the car parking facilities proposed.
- The approved Hertfordshire Structure Plan aims to limit changes of use for offices to those for firms substantially serving the local community or needing to be located within the county for other reasons. The adopted Dacorum District Plan seeks to confine office development, including changes of use, to the commercial areas of towns centres including Berkshampsted. It also requires all new development to include provision for car parking in accordance with the council's guidelines appended to it, and to pay particular attention, amongst other things to matters of layout and access.
- Due to the diversity of housing needs within the district the plan also contains policies to achieve the efficient management of the existing housing stock. Consequently planning permission will not normally be granted for any change of use which would result in the nett loss of residential accommodation, and this is specifically taken into account in relation to office proposals. The appeal site lies within the Berkshampsted Conservation Area.
- The appeal premises are vacant at present, but they were formerly used for residential purposes. The basement and ground floor of the building are also unoccupied, but they were formerly in retail use, and they contain a shop front facing High Street and the corner of Prince Edward Street. The parties agree that the premises lie within the commercial centre of the town. You suggest, however, that their proximity to the "King's Arms" public house 2 doors away renders the location unsuitable for residential use owing to the likelihood of noise and disturbance from late-night activity. Only 2 rooms face High Street, however, and none overlook the rear yard of the public house east of the appeal premises. Whilst

I accept that some disturbance may occur I consider that it would be unlikely, therefore, to affect the occupants of the appeal premises to an unacceptable degree. I also note the council's comment that some limited disturbance may be offset for some people by the convenience of a town centre location.

6. All the rooms in the appeal premises except those at each end face Prince Edward Street. The building has a very long, but rather narrow plan form, therefore, which is only one room deep with an interconnecting corridor extending along its eastern side. You suggest that the layout is unsuitable for residential use owing to the excessive alterations which would be involved. The works required are not specified, however, and whilst I acknowledge that some alterations would be needed to provide accommodation suitable for modern dwellings I can see no particular difficulties which the layout of the building would present.

7. The council point out that the premises have an access which is independent from the shop, and in my view most of the rooms are of suitable size for dwellings. Whilst I accept that some division may be necessary to provide additional bathrooms, and the premises would require fittings and fixtures, together with decoration, they appeared to be in reasonably sound condition, notwithstanding some signs of movement in one room. It would be possible, in my view, to adapt them to form either 2 maisonettes or possibly 3 dwellings as you suggest, and in the absence of specific evidence to the contrary I am not persuaded that the difficulties would be insurmountable or necessarily uneconomic.

8. You state that the premises have not been lived in for a considerable time, and your client considers it very unlikely that they could be brought into residential use again, whereas the proposal would satisfy a general demand for this size of office accommodation which is not disputed by the council. During my inspection I observed that the upper floors of buildings in the vicinity were used either in association with the activity on the ground floor, or more commonly appeared to be unused. In the absence of evidence to the contrary and in the light of my observations it would seem that there is little demand for such accommodation generally.

9. Turning now to the matter of car parking you suggest that the appeal premises could accommodate 3 dwellings which would require 6 parking spaces under the council's guidelines. The proposed offices would require 9, however, which is significantly more and far in excess of the 2 which could be provided on the appeal site. I note, from my inspection, that car parking is prohibited along most of High Street in the vicinity of the site. It is also very restricted along Prince Edward Street. There is quite a large public car park across High Street, but at the time of my visit it was very busy. I acknowledge your comment about future likely provision by the council, but my observations lead me to agree with them that this would to a large degree only meet present unsatisfied demand.

10. The Town Council, in their comments about the application were concerned about the increase in traffic likely to be created in what they consider to be an already busy area. Traffic along High Street was heavy during my inspection, and turning manoeuvres by vehicles entering and leaving the side streets caused delays. The proposal would increase general activity in the vicinity, adding to the congestion, in my view, particularly in the absence of adequate parking facilities.

11. I do not agree with you that the appeal premises are in principle unsuitable for residential occupation, and they could, therefore, contribute to the districts housing stock. In the absence of evidence, however, I conclude from my observations that there appears to be little demand in the vicinity for such accommodation.

Nevertheless, I consider the council's requirement for car parking to be reasonable in this instance, and the short-fall of your client's proposed provision from the normal requirement would be too great to be acceptable.

12. I have taken account of all other matters raised in the representations, but they do not outweigh the considerations leading to 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

A handwritten signature in dark ink, appearing to read 'I. K. Turner', with a horizontal line drawn underneath the name.

I K TURNER LLB(Hons) DipArch RIBA FRSA ACIarb
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Sunley Holdings Ltd
79 Park Street
London
W1Y 3HP

Freeth & Co
Times House
179 Marlowes
Hemel Hempstead

..... Change of use of first and second floors from
..... residential to offices

at ... Adj. 151 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 16 June 1986 and received with sufficient particulars on 18 June 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 proposed development would result in the loss of a satisfactory unit of residential accommodation contrary to the provisions of Policies 56 and 61 of the Dacorum District plan
2. There is inadequate provision for vehicle parking within the site to meet the standards adopted by the local planning authority.

Dated 14 day of August 19 86

Signed.....

Wim Bannock

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.