

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Hemel Plumbing Ltd
15 Mark Road
Hemel Hempstead

D Clarke
47 Gravel Lane
Hemel Hempstead

.... Two storey rear extension and alterations
.... to roof (re-submission)
at .. 15 Mark Road, 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
..... 13 June 1990 and received with sufficient particulars on
..... 18 June 1990 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 extension by reason of its relative prominence, height, bulk and external finish detracts from the original appearance of the row of industrial/commercial units to each side of 15 Mark Road and if permitted a precedent would be established for other similar developments to the long term detriment of the visual amenity of the locality.
2. The extension which includes steps projecting into the rear servicing and parking area associated with the row of industrial/commercial units will restrict the space available for vehicular movements and if permitted, a precedent will be established for other similar extensions which will result in the incremental loss of vehicle manoeuvring, parking and servicing facilities.

Dated ... 8th ... day of ... August ... 1990

Signed

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

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 the date 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.



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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref	C.P.O.	T.C.P.M.	D.P.	D.C.	D.C.	Ack.
						Admin. File
Received			5 FEB 1991			
Comments						

Your reference

9049

Our reference

T/APP/A1910/A/90/166555/P8

Date

4 FEB 91

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
 APPEAL BY HEMEL PLUMBING AND BUILDING SUPPLIES LTD
 APPLICATION NO: 4/0880/90

- I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for a 2 storey extension at 15 Mark Road, Hemel Hempstead. I have considered the written representations made by you and by the Council and those made by other parties. I inspected the site on 14 December 1990.
- On my inspection it was apparent that all building works necessary to achieve the development for which permission is sought have already been carried out. I shall therefore treat this case as an application to retain the building in its present form, as defined in Section 63 of the Town and Country Planning Act 1990.
- The application to which this appeal relates was made in the name of Hemel Plumbing Ltd. The appeal was lodged in the name of Hemel Plumbing and Building Supplies Ltd. It is clear from the representations that the latter name is the correct registered name of the applicants, and that the 2 business titles in fact represent the same Company. I shall therefore consider this appeal in this light.
- From the written representations and from my inspection of the site and its surroundings I consider the main issues in this case are the effect of the appeal development on the appearance of the area, and the effect of the extension on the vehicle parking and manoeuvring area.
- In September 1989 planning permission was granted for a 2-storey rear extension to the appeal premises, which are an industrial/commercial unit within a terrace of similar units fronting Mark Road. These units are served by a rear access road/servicing/parking area accessed from a short roadway off Mark Road. The 2-storey rear extension and associated works were constructed in a different form to that approved, and the council considers that this has given rise to adverse effects on the appearance of the building, and in the vehicle parking/manoeuvring capacity of the rear service area.
- On the first issue, the council accepts that a flexible approach to the design of industrial/commercial buildings is desirable, but nevertheless considers that any extension or alteration to such a building should not adversely affect the overall industrial 'street scene'. The council says that whereas the approved roof design could be successfully integrated within the overall mass of the buildings design and the appearance of the row of units, the development carried out is incompatible with the terrace. In particular the combined effect of the prominence, height



and finish of the extension create a visual intrusion, which fails to appear as an integral part of No 15 or the terrace.

7. You have put forward your client's view that the variation in appearance produced by other extensions in the row of units has a similar visual effect to this extension and associated works, and that any extension to a 40-year old building would necessarily be out of keeping with the appearance of the terrace. I take the view that the details of the extension approved by the Council recognise the need for flexibility in considering the function, form, and appearance of extensions to industrial/commercial buildings. On my site inspection I formed the opinion that the extension as constructed is so much at variance with the form and finish of the adjoining development that it goes beyond the limits of a reasonable flexible approach. The prominence of the extension and the roof parapet walls, their bulk, and their finishes, combine to produce an effect which is in my opinion visually obtrusive within the local industrial background, when seen from Mark Road, the rear servicing/parking area, and the access road. I accept that differences in appearance and finishes are not necessarily objectionable, but in this case the differences are in such contrast to the adjoining buildings that I consider the council is justified in considering them as unacceptable. I regard the extension and parapet works as being unacceptably detrimental to the appearance and character of the row of buildings, notwithstanding the industrial/commercial character of the area.

8. Turning to the second issue, the rear extension has been built to extend slightly further than shown in the approved scheme. Furthermore 2 steps extend beyond the building, protruding further into the rear servicing area. The overall effect is of an encroachment of about 1 m into the rear servicing and parking area. I note the circumstances outlined by your client which gave rise to this encroachment, and of the view put forward that there is more than adequate space at the rear of the appeal premises for cars to be parked and delivery lorries etc to pass them. However, these opinions take account only of an average length of car in a parking space rather than of the need to provide for any car, and fail to take account of the needs of vehicles to park alongside the rear entrances to premises in order to effect deliveries and collections, together with associated manoeuvres. I consider that the unauthorised extension into the parking/servicing area does give rise to a significant restriction to vehicle passing and manoeuvring, to the detriment of the free movement of vehicles in this area, and to the safety of traffic in this area.

9. I accept that your client did not intend to carry out works to obstruct or impede traffic movements at the rear of the premises, but do not consider that this mitigates the unacceptable circumstances produced.

10. I have taken account of all other matters raised in the representations, including the referenced economic circumstances of your client. I have also had regard to Government advice contained in Department of the Environment Circular 2/86 Development by Small Businesses, but find no matter to be of such weight as to alter my conclusions on the main issues.

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

I am Sir
Your obedient Servant

Peter J. Baldwin

PETER J BALDWIN BSc CEng FICE FIHT MBIM
Inspector