



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref No. 4/0899/91

K Gibson  
12 Chapel Street  
Berkhamsted  
Herts

D Wilson  
27 Hall Park  
Berkhamsted  
Herts  
HP4 2NU

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

12 Chapel Street, Berkhamsted, Herts

CHANGE OF USE FROM RES. TO RES. USE & WORKSHOP/STORE FOR MANUFACTURE OF SHEDS  
FENCES & GARDEN PRODUCTS

Your application for *full planning permission* dated 21.06.1991 and received on 28.06.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 15.08.1991

(ENC Reasons and Notes)



REASONS FOR REFUSAL  
OF APPLICATION: 4/0899/91

Date of Decision: 15.08.1991

1. The use proposed is incapable of being carried on in this location without seriously reducing the level of amenity enjoyed by neighbouring residential properties by virtue of noise generation and the nature of the manufacturing processes involved.
2. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority, and given the narrowness of roads in the vicinity and the additional traffic likely to be generated by the proposed use, the proposal would prejudice the free flow and safety of traffic on Chapel Street.
3. The proposal would have a seriously detrimental effect on the general character and amenity of a designated Conservation Area.



Planning Inspectorate  
Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ  
Telex 449321

A/855X/AJB/P

Direct Line 0272-218 927  
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GTN 1374

D Wilson Esq  
27 Hall Park  
BERKHAMSTED  
Hertfordshire  
HP4 2NO

PLANNING DEPARTMENT					
DACORUM BOROUGH COUNCIL					
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Ack.
					Admin. File
27 JAN 1992					
Received					
Comments					

Your reference

DW  
Our reference

T/APP/A1910/A/91/190804/P4  
Date

24 JAN 92

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR K GIBSON  
APPLICATION NO:- 4/0899/91

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission in respect of an application for a change of use from residential to residential and workshop/store for the manufacture of sheds, fences and garden products on land at 12 Chapel Street, Berkhamsted, Hertfordshire. I have considered the written representations made by you and by the Council and also those made by the Town Council and other parties and interested persons including those made directly to the Council and forwarded to me. I inspected the site on 18 November 1991.

2. From the written representations received and from my inspection of the site and the surrounding area I consider that there are 3 main issues in this case. The first is the likely effect of the proposal on the living conditions of neighbouring occupiers with particular reference to noise and other emissions as well as visual impact. The second is the effect on highway safety and the free flow of traffic on Chapel Street and nearby streets arising from the delivery and loading operations at the premises as well as the parking needs of employees. The third is the effect on the Berkhamsted Conservation Area having regard to the need to pay special attention to the desirability of preserving or enhancing its character or appearance, a requirement embodied in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. No. 12 Chapel Street, the site of this appeal, is a 2-storey end-of-terrace house within the Berkhamsted Conservation Area. Behind the line of the house and served by a drive which runs along its flank are the 2 buildings whose use is the subject of this appeal. On the Appeal Plan (Drawing No. 291) these are identified as Building A, a pre-cast concrete structure with an up and over door which functions as a workshop and Building B, a rather smaller timber structure described as a store. The business, which according to the Council's statement has been in operation without planning permission for some 18 months, involves the manufacture of timber fencing panels and wooden garden products. The tools most commonly in use include a mobile circular power saw and a power stapler.

4. It seems to me that if this business is to operate at any significant level it will inevitably give rise to a considerable amount of noise resulting particularly from the use of the circular saw but also from the assembly of fencing panels and other products. Furthermore, there would appear to be little scope to contain this



noise given the basic construction of the workshop building and the evidence that in practice much of the work is done with the workshop door open. On this matter I place much weight on the representations supplied by the occupants of adjacent houses which draw attention to the intrusive nature of the noise and the effect this can have on the enjoyment of their gardens. Reference is also made to the fact that the noise can be heard within the houses themselves and also to the periodic burning of wood waste and sawdust, an additional source of annoyance to nearby residents.

5. Turning to the visual impact of the activities being carried out I noted that there is much outdoor storage of materials including completed panels and other products in the yard outside the 2 buildings. This is supported by the photographs supplied by residents. Much of this material is clearly visible from the street as is the untidy interior of the workshop whenever the door is left open. On the first issue, I conclude that the activities being carried out at present levels of business have a detrimental effect on the living conditions of neighbouring occupiers and that existing conflicts would only worsen if the business is successful and grows.

6. On the second issue, that of highway safety and the free flow of traffic, I observed very high parking levels in both Chapel Street and the surrounding network of roads. Most of these streets are quite narrow and with limited visibility at junctions, one of which, the Manor Street/Chapel Street "T"-junction, is located almost directly opposite the appeal site. It is within this context, I believe, that the adequacy of the site's arrangements for parking, deliveries and loading needs to be judged.

7. I noted that while the yard serving the site can, in principle, accommodate 3 cars there is no facility for these to turn within the premises requiring them to reverse in or out, a potentially hazardous operation given the significant traffic flows on Chapel Street and connecting roads. Also the site has a narrow entrance with a width of about 2m, making it unlikely that lorries of any size would be able to reverse into the yard, particularly if there were vehicles parked on the other side of the road as was the case during my visit. It seems inevitable, therefore, that the operation of this business on any scale must necessarily be dependent on on-street loading and unloading with likely effects on traffic flow and safety as vehicles manoeuvre into a parking position, on pedestrian safety arising from the blocking or partial blocking of the pavement and on the amenity of residents from the noise generated. Such conflicts could be expected to increase if the business were to be successful and grow. Another effect might be the loss of parking space on the site as the need for storage capacity increased exacerbating the local parking problem. On the second issue, therefore, I conclude that the proposal is likely to have a detrimental effect on highway safety and the free flow of traffic on Chapel Street and nearby roads.

8. On the third issue which relates to the area's Conservation Area status I consider that in general terms the presence of a number of commercial premises within this largely residential area contributes to its varied character. However, in the case of your client's business, I consider that this is outweighed by its visually intrusive nature and, to my mind, the unacceptable conflicts which arise from its operations.

9. In your evidence you draw attention to other non-residential uses nearby, to the limited nature of the operations being carried out and to the fact that your client's property is one of the few with ample off-street parking. I have had regard to these matters as well as the 2 letters in support of the proposal which allude to the area's past when there were rather more commercial premises in Chapel Street than there are now. I have also noted the advice given in Planning Policy Guidance Note 4 on "Industrial and Commercial Development and Small Firms" which

encourages planning authorities to take a sympathetic attitude to existing non-conforming uses within areas which are primarily residential unless there are specific and convincing objections to their continuation. In this case, however, and having regard for the policies of both the Hertfordshire County Council and the Dacorum Borough Council as set out in the Structure Plan, the Dacorum District Plan and the draft Dacorum Borough Local Plan, I have come to the conclusion that the use is incompatible with this primarily residential area which is also a Conservation Area and that this appeal should, therefore, be dismissed. I have taken into account all of the other factors raised in the representations but they do not outweigh the factors which led me to my conclusions.

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

I am Sir  
Your obedient Servant

C. J. Gossop.

DR C J GOSSOP BSc MA PhD MRTPI  
Inspector



Planning Inspectorate  
Department of the Environment

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3. The proposal would have a seriously detrimental effect on the general character and amenity of a designated Conservation Area.

MEMORANDUM

From: DIRECTOR OF LAW  
AND ADMINISTRATION

To: ~~John Smith / Alan Markham~~  
Planning

My Ref: 2447/392

Contact: Roy

Date: 3/6/92

Your Ref:

12 CHAPEL ST BERE'D - E.N.

Please find attached copy for  
your file.

Issue date is 5/6/92.

Roy

PLANNING DEPARTMENT DORSET DOROUGH COUNCIL						
Ref.	DP	TC/PA	DP	BC	Admin.	File
			<input checked="" type="checkbox"/>			
Received				3 JUN 1992		
Comments						

Chaplin

IMPORTANT - THIS COMMUNICATION AFFECTS  
YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning  
and Compensation Act 1991)

ENFORCEMENT NOTICE  
(MATERIAL CHANGE OF USE)

ISSUED BY: DACORUM BOROUGH COUNCIL

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

Land at 12 Chapel Street Berkhamsted Hertfordshire  
shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without planning permission, change of use from residential to a mixed use of residential and the manufacture and storage of sheds, fences and garden products.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred since the end of 1963.

The manufacturing element of the use has caused serious harm to the amenities enjoyed by neighbouring residents because of the noise generated and the nature of the manufacturing machinery and processes involved.

In addition, the outside storage of timber, fence panels and other products, has a detrimental effect on the living conditions of neighbouring occupiers. Furthermore the outside storage detracts from the character and appearance of the Berkhamsted Conservation Area.

Whilst the site has limited space for vehicle parking there is not space to allow commercial vehicles to enter, turn round and leave in a forward direction. On street loading and unloading causes inconvenience to local residents and other road users by blocking, or partially blocking, the carriageway or footway in Chapel Street.

5. WHAT YOU ARE REQUIRED TO DO

(i) Remove from the site all stored timber, sheds, fences, garden and timber products and equipment and machinery used in the manufacture of sheds, fences and garden products;

(ii) Cease the use of the site for the manufacture and storage of sheds, fences and garden products.

Time for compliance: 12 months after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on *17th July 1992* unless an appeal is made against it beforehand.

Dated: *5th June 1992*

Signed:

*K. M. Pughby*

Director of Law and Administration

on behalf of:

Dacorum Borough Council  
Civic Centre  
Marlowes  
Hemel Hempstead  
Herts HP1 1HH

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before *17th July 1992*. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

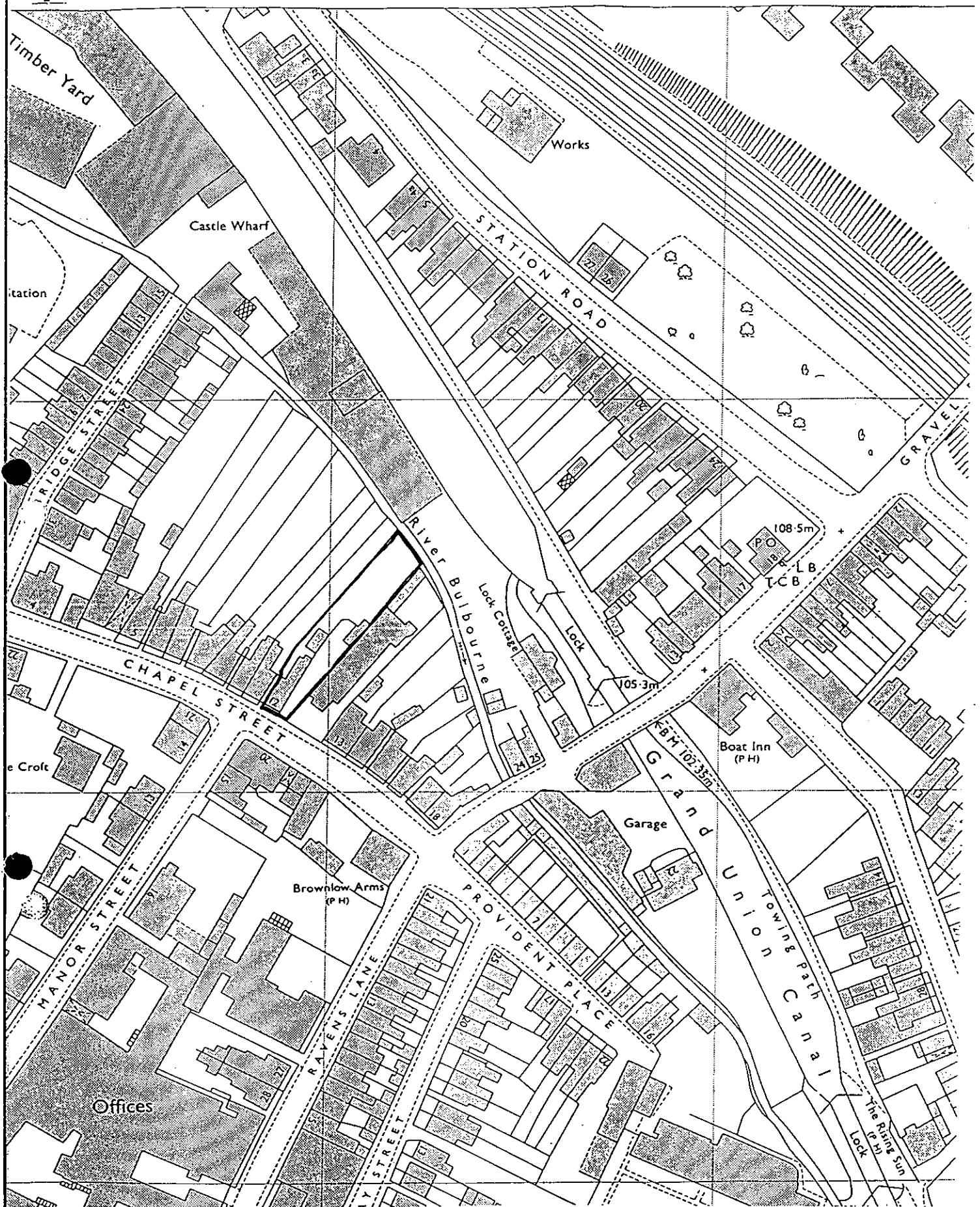
WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on *17th July 1992* and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or

remedial action by the Council. On conviction, a fine of up to £20,000 may be imposed by the Magistrates' Court or an unlimited fine by the Crown Court.

DLA/L.321/MAS.1

12 CHAPEL STREET, BERKHAMSTED.



PLAN REFERRED TO IN ENFORCEMENT NOTICE DATED .....

SCALE:

APPLICATION No.

DACORUM BOROUGH COUNCIL,  
CIVIC CENTRE, MARLOWES,  
HEMEL HEMPSTEAD.

Based on the O.S. Map with the sanction of the Controller of H.M. Stationary Office  
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