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CITY EXECUTIVE COUNCIL	
24 FEB 1984	
File	Refer to ... <i>QF</i>
Cleared	

Council ref: 4/0988/83 E

Messrs Pickworth & Co
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Your reference

DSF/EW

Our reference

T/APP/5252/C/83/2087/PE2

Date

8623

23 FEB 84

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
APPEAL BY MR K STEPHENS

LAND AND BUILDING AT BEGGARS ROOST, REDBOURN ROAD, HEMEL HEMPSTEAD, HERTFORDSHIRE

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. The appeal is against an enforcement notice served by the Dacorum District Council concerning the above-mentioned land and building. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on 23 January 1984.

2. a. The date of the notice is 7 June 1983.

b. The breach of planning control alleged in the notice is that, after the end of 1963, land and premises at Beggars Roost, Redbourn Road, Hemel Hempstead, Hertfordshire, shown edged red on the plan attached to the notice, have been developed by the making of a material change in the use of part of the said land, namely that part of the garage shown coloured green on the plan attached to the notice, from residential garage to video hire shop, without the grant of planning permission required for that development.

c. The requirement of the notice is the cessation of the use of part of the land, namely that part of the garage shown coloured green on the plan attached to the notice, as a video hire shop.

d. The period for compliance with the notice is 2 months.

e. The appeal against the notice was made on ground 88(2)(a).

3. I observed on my visit that 'Beggars Roost' and its adjacent garage, which is linked to this dwelling at one end by a wall in which there is a doorway, and at the other end by a garden fence, are situated in the midst of a line of properties which front the south-east side of Redbourn Road over a distance of about 500 ft.

4. Between Redbourn Road and the front gardens of these properties there is a wide grass verge which is crossed by the accesses to the properties. On the west side of Redbourn Road there is a large expanse of playing fields which has an extensive car parking area on its north side. There is a bus stop close to the access of 'Beggars Roost'.

5. I have noted that, on the south-east side of Redbourn Road, to the south-west of the southernmost semi-detached dwelling in the line of which the appeal premises

is part, there is a petrol filling station and further to the south-west extensive industrial premises. Opposite this filling station, on the north side of Redbourn Road, a line of residential properties runs up the hill to the south-west. At the rear of the curtilages of the line of residential properties of which the appeal premises are part there is a well treed disused railway embankment. These trees screen the large industrial plant established on the land to the south-east of this embankment to a noticeable extent, even in winter.

6. I saw that your client's garage is divided into 2 parts. The larger, northern part is used as a video film making studio and the smaller part for domestic storage/washing purposes. Your client explained that the larger part, which is entered from a door in the west side of the garage, was formerly 2 rooms, but that an internal wall has been removed. He confirmed that the area marked green on the plan attached to the notice was used as a place from which video film cassettes could be hired or bought, but explained that only one cassette was in the area at the time of my visit as his stock had been transferred to other shop premises in Hemel Hempstead. He stated that he still wished to use part of the northern part of his garage as a video hire shop. The shelving used for this purpose is in this part of the garage.

7. Having seen the appeal site and its surroundings it seems to me that the principal points at issue in this case are first, the impact the proposed development would have on the standard of residential amenity able to be enjoyed by the occupants of adjacent dwellings, and second, whether the use of the access by vehicles driven by customers visiting the proposed video hire shop would create additional hazards for drivers of vehicles passing along Redbourn Road in the vicinity of the site.

8. As to the first issue, I do not doubt that the noise and disturbance emanating from the industrial premises located on the land to the south-east of the railway embankment at the rear of your client's property detracts from the enjoyment of his dwelling and of the other dwellings in the residential frontage of which 'Beggars Roost' is part. In my opinion therefore, it is all the more important, especially out of normal working hours, that pedestrian and vehicular movement and disturbance in the vicinity of these dwellings, whose occupants also have to contend with the disturbance created by the traffic passing along Redbourn Road, should be kept to a minimum.

9. Notwithstanding the proximity of industrial premises, the petrol filling station, and the proximity of Redbourn Road to the line of dwellings where this site is located, the line of dwellings in which 'Beggars Roost' is located, in my opinion, has a distinct residential, albeit suburban, character in which a shop use, unless required to meet some essential and locally important shopping need for the local community, would be an inappropriately located form of development in the midst of this particular residential frontage. I appreciate that some of your client's neighbours are happy to avail themselves of the video cassette hire and shop service he offers, but this evidence does not convince me that the extent of the local community's need in this case is so great as to justify the introduction of this particular commercial use into the line of residential properties where the site is located. I accept that occupiers of 'Beggars Roost' might be visited frequently by their friends after normal working hours, but I consider that the sight of and disturbance created by the regular coming and going of pedestrians and vehicles to and from a video hire shop located on your client's premises, out of normal working hours, even if these customers' vehicles were not parked on the site, would inevitably be noticed by his neighbours and thus detract further from the already reduced standard of residential amenity able to be enjoyed by them and the general residential character of the line of dwellings in which they live. I consider therefore that the proposed development would not be appropriate in this particular place.

10. Furthermore, though each case has to be determined on its merits, if planning permission was granted in this case, I am sure that the Council would find it very difficult to refuse other applications for the introduction of non-essential commercial uses into residential properties located in residential frontages. The cumulative effect of such permissions could well undermine the character of areas which are to be retained for primarily residential use in the long term.

11. As to the second issue, I noted on my visit that, in addition to the parking space on the nearby playing fields, parking is permitted in Redbourn Road near the driveway leading to 'Beggars Roost'. Two or 3 cars can also be parked in the length of driveway between the carriageway in Redbourn Road. The parking area within the front part of 'Beggars Roost's' curtilage, provided not more than one small vehicle is parked there, is large enough for a vehicle to be turned round. Although I accept that your client does his best to avoid vehicles visiting the site by asking customers to park in the vicinity of the nearby playing field parking area, the possibility of customers parking vehicles in the driveway or parking/turning area at 'Beggars Roost', with the resultant increase in the vehicular use of the access leading to 'Beggars Roost', is a relevant matter. In my opinion, a small addition to the amount of vehicular movement to and from this driveway, at times other than peak traffic periods, is unlikely to have any significant effect on traffic conditions likely to be encountered by other users of this road, but, in this particular case, it would be difficult always to control effectively the frequency of this movement. I therefore take the view that the Council is right to oppose any increase of the driveway leading to 'Beggars Roost', which is close to a bus stop, for purposes not connected with the domestic use of this dwelling, so that the likelihood of accidents occurring in that part of Redbourn Road to which this dwelling fronts is diminished. In this connection I have noted that some local residents have expressed their concern as to the hazards created by any cars parked in Redbourn Road in the vicinity of the appeal site. The appeal on ground (a) fails.

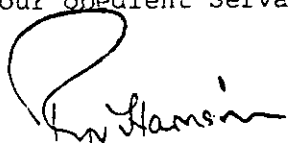
12. I have taken into account all the other matters raised in the written representations, including the guidance given in DOE Circular 22/80 relating to small businesses, particularly that it is Government policy to encourage the establishment of small businesses, and also whether planning permission should be granted, subject to Conditions. After careful consideration, however, I have come to the conclusion that there is a material planning objection to this particular development which any Conditions would not reduce to an acceptable extent. The other points have not outweighed the considerations on which I have based my decision.

FORMAL DECISION

13. In exercise of the powers transferred to me I hereby dismiss the appeal, uphold the notice, and refuse to grant planning permission for the application deemed to have been made under Section 88B(3) of the Amended Act.

14. This letter is issued as the determination of the appeal before me. Details of the right of appeal to the High Court are enclosed.

I am Gentlemen
Your obedient Servant



R N HARRISON OBE MA
Inspector

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