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CHIEF EXECUTIVE
OFFICER

17 MAR 1987

File ref.
Refer to 290 17/3

Clearance

Your reference

Our reference

T/APP/A1910/A/86/57581/P4

Date

C.P.O.

D.P.

17 MAR 87

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Received

17 MAR 87

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR E TOMLIN
APPLICATION NO:- 4/1044/86

1. 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 District Council to refuse planning permission for the conversion into 2 flats of the dwelling 206 Lawn Lane, Hemel Hempstead. I have considered the written representations made by you and by interested persons. I inspected the site on 10 February 1987.
2. From my inspection of the site and its surroundings and the representations made I consider that there are 2 main issues for me to determine in this case. One is whether the proposal would have a significantly adverse impact on the amenities of neighbours. The other is whether it would bring about an increased degree of road safety hazard.
3. Both issues are concerned with use of the vehicular access proposed to serve the converted premises. No 206 Lawn Lane currently shares some off-street parking with 208 Lawn Lane at the rear of the premises to which there is a joint access between the 2 houses. The dwellings in this part of Lawn Lane are modest older houses without garages, and with very limited frontages, so that an arrangement of this kind represents the only feasible means of avoiding kerbside parking. The parking area accessed in this way is of limited size affording little manoeuvring space and I formed the view on inspection that because of this lack of space, and in view of its particular shape, it would be unlikely that a driver would turn on site but would drive out in the reverse manner to that of arrival. I concluded that this would be equally likely to happen whether the car in question were the sole occupant of the parking space or not. I observed that Lawn Lane is a busy local road, and that entry to or exit from the parking area might well interfere with the flow of traffic to such an extent as to involve some degree of road safety hazard.
4. In these circumstances the council take the view that the increase in traffic movements resulting from the conversion of one single house into 2 units of accommodation would be detrimental to neighbour amenity. But I have decided that it is unlikely that the proposal would make any material difference to current conditions in this respect. There are uncertainties in comparing what vehicular movements might be generated by the occupants of 2 flats with those likely to be produced by one house, dependent as that comparison is on such variable factors as age and number of occupants concerned, but I think a realistic assessment is that at worst the scale of likely change in the position would be such as to reduce only marginally prevailing amenity levels, and thus falling well short of the test

of demonstrable harm indicated as necessary by Circular 14/85 to warrant the rejection of a proposal for development.

5. Since it would be dependent on the same factors, I regard also the possibly reduced level of road safety so far as attributable to extra vehicular movements a consideration of insufficient weight to justify a refusal of consent. I note also it appears to be an objection that turning space cannot be provided on-site for the proposal, but again I do not consider this a defect of substance, in the light of my conclusion that it would be unlikely that a single vehicle occupying the available space would be turned round in it.

6. I have considered all other matters raised, but have found amongst them no other sufficient reason to warrant the withholding of consent for the proposal.

7. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the conversion into 2 flats of the dwelling 206 Lawn Lane, Hemel Hempstead in accordance with the terms of the application No 4/1044/86 dated 18 July 1986 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

8. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



J M TURNER LLB Solicitor
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mr. E. Tomlin,
1 Kingfisher Close,
Wheathampstead,
Herts.

B.J. Gooding, Esq.,
38 Wright Close,
Wheathampstead,
Herts.

..... Conversion of dwelling to two flats

.....
at 206 Lawn Lane, Hemel Hempstead, Herts.
.....

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 18 July 1986 and received with sufficient particulars on 22 July 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. Adequate space for the satisfactory parking and manoeuvring of vehicles cannot be provided within the site, resulting in increased danger and inconvenience to users of the highway.
2. The existing access is at a point where visibility is sub-standard and the proposed development would, therefore, exacerbate an already dangerous situation.
3. The proposed development would have a detrimental impact on the amenities and quiet enjoyment of neighbouring properties by reason of increased noise and activity.

Dated 4th day of September 1986

Signed.....



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.