

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To Mr Lavendar Mr S Brooker
64 Kitsbury Road Flatt & Mead
Berkhamsted 11 Marlowes
Hemel Hempstead

Formation of studio flat

12 Clarence Road, Berkhamsted
at

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 20th August 1985 and received with sufficient particulars on 20th August 1985 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 represent over-development of this particular site and would have a seriously detrimental effect on amenities presently enjoyed by occupants of adjacent dwellings.
- (2) The combined access proposed would be unsatisfactory and affect adversely the amenities of the remaining residential accommodation.
- (3) The means of access by reason of its restricted width and visibility is unsatisfactory and used in the proposed manner would result in danger to other highway users.

Dated 26th day of September 19 85

Signed

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.



Department of the Environment and Department of Transport

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18 JUL 1986

File Ref.
Refer to CPO 18/7
C. C.

Mr S J Brooker MRTPI Flatt & Mead 11 Marlowes HEMEL HEMPSTEAD Herts HP1 1LA		PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL		Your reference SUB/JER Our reference T/APP/A1910/A/86/46257/P2 Date 17 JUL 86	
Ref.	<u>4/1072/85</u>	Ack.			
C.P.O.		B.C.	Admin.	File	<input checked="" type="checkbox"/>
Received 13 JUL 1986					
Sir		Comments			
TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9 APPEAL BY MR J LAVENDER APPLICATION NO: 4/1072/85					

1. As you know 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 the conversion of an out-building to a studio flat at 12 Clarence Road, Berkhamsted. 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 30 June 1986.

2. From my inspection of the site and its surroundings and the representations made, I am of the opinion that the main issues are whether the proposal would cause undue detriment to the residential amenities, presently enjoyed by the occupants of the adjoining properties, and whether road safety would be endangered.

3. Clarence Road is a short residential cul-de-sac, lying to the south of the High Street close to the centre of the town. It is a turning off Kings Road that terminates at the council's depot and serves 21 properties, most of which are modest 2-storey terraced houses built in the 1890s. No 12 is similar to the other houses in the road, except for having additional attic rooms within the roof and a way through at the side, leading to the appeal building at the rear. Although there have been alterations, it is still quite obvious that, as the council has confirmed, the building was originally built as a coach house and stable with a loft above.

4. No 12 and the other properties on the southern side of Clarence Road back onto Butts Meadow recreation ground. The appeal building stands in the garden of No 12 backing onto the boundary with the public open space. The existing structure is a simple pitched roofed rectangular 2-storey brick building with a boarded gable end and wide double doors, facing towards the road. The building is currently being used for storage purposes, but not apparently in an intensive or systematic manner. The access to the appeal building runs between the flank walls of No 12 and No 14 and appears to be approximately 3 m wide. The former coach house was sited to one side, partly at the rear of No 14, so that No 12 retained a garden that extended to the boundary with Butts Meadow, whereas the garden to No 14 was severely curtailed.

5. In the appeal proposal, a concrete-block lean-to extension at the back of the building, adjacent to the boundary, would be removed and a garage, dining/kitchen and wc/cloaks, with an entrance lobby, would be formed on the ground floor. A new stair would be provided rising in the dining/kitchen to serve the first floor, which would be subdivided into living space and bed space, with a bathroom opening off the latter. The existing fenestration would be replaced, additional openings

formed and generally larger windows provided. Two large 'Velux' roof lights would replace the existing skylight. The new glazed screen to the first floor living space and the french casement doors to the dining space, having a south-west aspect, would look directly across Butts Meadow. In the north-eastern gable end, the 2 windows would be to the bathroom and wc and therefore would have obscured glazing.

6. From what I could see on my site visit, it appeared that the majority of the houses in Clarence Road are in single family occupation. Although No 12 is in the process of being gutted, it seemed to me that it also, had been most recently arranged, as a single dwelling. There was no indication that it had been converted into self-contained flats. Inevitably parking is a problem, in a road such as this, situated close to the town's shopping area, where the houses are terraced and have no space to provide garages or hardstandings. However Clarence Road is not a through route and the number of dwellings served is comparatively small. While it appears that residents are prepared to tolerate on-street parking at its present level, they are clearly concerned that the balance would be upset by the increased traffic that additional dwellings would generate.

7. While I appreciate the proposed conversion of the appeal building has been designed to avoid direct overlooking of the adjoining properties, it would itself have very little privacy, being overlooked from the existing houses and being particularly exposed to Butts Meadow. In my view the proposal would result in all the undesirable features of 'Tandem' development. There would be the difficulties of sharing a narrow inadequate access with No 12 and the increased activity, of an additional household, compared with the present use of the building, would cause considerably more disturbance and loss of privacy for the 2 houses at the front, Nos 12 and 14.

8. I am satisfied that the present situation in Clarence Road with regard to car parking is such that further development, generating increased traffic, should be discouraged, for fear of exacerbating the problem and adding to the hazards for other highway users. In my opinion, where so few of the surrounding properties are able to make adequate provision for car parking, it would be far preferable for the building to be kept for use as a garage, with the space at the front available for additional parking. Although in the proposed conversion an integral garage would be provided, and it would be possible to form a parking space in the rear garden of No 12, the access would be shared between the separate residential occupancies and would therefore have to be kept clear, so that in effect no extra provision would be made for parking, despite there being an additional dwelling. No 12 would, as well, suffer further loss of amenity, if its garden became a parking space.

9. After careful consideration, I have come to the conclusion that these harmful effects are sufficiently serious to warrant dismissal of this appeal. I have taken account of all the other matters raised in the representations but in my opinion they are outweighed by the considerations that have led me to my decision.

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

I am Sir
Your obedient Servant

Helen Grogan

MRS H GROGAN DipArch, Architect
Inspector