

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

DACORUM BOROUGH COUNCIL

To

Mr. C.W. Billing and
Miss K.T. Cooper,
16 Solway,
Hemel Hempstead,
Herts.

Change of use of dwelling to form two flats.

at 16 Solway, 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 14th August 1985 and received with sufficient particulars on 21st 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) There is inadequate provision for vehicle parking within the control of the applicant to meet the standards adopted by the local planning authority.
- (2) The proposal would be out of character with surrounding residential development and could set a precedent leading to a deterioration in the environmental character of the area.

Dated 17th day of October 1985

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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**CHIEF EXECUTIVE
OFFICER**

2 SEP 1986

File Ref.
Refer to CPO 219
Cleared

Mr C W Billing and Miss K T Cooper

16 Solway

HEMEL HEMPSTEAD

Herts

HP2 5QN

Your reference

Our reference T/APP/A1910/A/86/616820/45					
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Comments SCHEDULE 9					

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND
APPLICATION NO:- 4/1087/85

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 change of use of a dwelling to form 2 dwellings at 16 Solway, Hemel Hempstead. I have considered the written representations made by you, the Council and those made by an interested person. I inspected the site on Monday 21 July 1986.

2. From my inspection of the appeal site and surroundings and from the representations made, I am of the opinion that the main issue is whether the proposed extra dwelling would be likely to result in congestion on the adjoining streets due to parked vehicles.

3. The surrounding area appears to have been developed about 25 years ago with houses, mainly in terraces, and a few flats. Some of the houses have garages in rear access roads and there are blocks in garage courts, but the total number appears to be fairly low compared with current standards. In particular, there is no garage or parking space directly behind your house so that the occupiers of the proposed 2 flats would have to seek parking spaces elsewhere nearby.

4. The Council refers to the general lack of parking spaces in the vicinity while you refer to a few parking spaces and lay-bys in the area. You state that you can obtain a parking space on the car park of St Paul's Church, although it is stated for its owners, St Albans Diocesan Parsonages Board, that the church car park is for the use of church-goers. I estimate that it has a capacity of about 20 cars, and there were 7 parked there at the time of my visit on a weekday. For that reason, and because the church car park is likely to be needed by church-goers during the evenings and at weekends when it is mainly needed by residents for their cars, I can take little account of any extra parking on that car park.

5. Based on my inspection and on the plan, I estimate that within the area in which the house is situated, which is bounded by Jupiter Drive and Solway and includes the shops and the nearby dwellings in Saturn Way, there are 87 garages and about 50 off-street parking spaces. Judging by the streets of residence of the occupiers of the 58 garages in Juno Road and 31 in Vesta Road, that area contains about 110 dwellings, and I accept that it would be necessary to provide parking spaces in accordance with the Council's standard of 5 spaces for each 4 dwellings in order to ensure that the roads do not become congested with parked vehicles. The number of garages and parking spaces I have just mentioned appear to satisfy those minimum standards closely. I consider that it is also reasonable to take account of some additional spaces that could be used without the church car park, viz, some

in the parking area in front of The Heights shopping area and others in the front gardens of some of the Saturn Way houses, an addition of at least 20 spaces.

6. I would expect that there is some limited surplus of off-street parking space in the vicinity so that the extra parking attributable to the proposed development could be accommodated without resulting in street congestion, and there is nothing in the Council's representations to the contrary. While I accept that a number of similar proposals to this could result in a significant increase in the number of dwellings, and in street congestion from parked vehicles, I do not expect that this proposal, considered on its own, could have that result. Moreover, there is no certainty that there would be many other such proposals and even if there were, it would be for the Council to assess the effect at that time. Accordingly, I do not consider that your proposal, which would provide 2 small dwellings, would be likely to result in demonstrable harm to any interest of acknowledged importance.

7. I have taken account of all the other matters in the representations but I am of the opinion that they do not outweigh the considerations that led me to my decision.

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use of a dwelling to form 2 dwellings at 16 Solway, Hemel Hempstead in accordance with the terms of the application (No. 4/1087/85) dated 14 August 1985 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.

9. 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 and Madam
Your obedient Servant

D J Tuckett

D J TUCKETT ARICS MRTPI
Inspector