



**Planning Inspectorate
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D/150/HB/P

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Goldfield Development Limited
18-20 Western Road
TRING
Hertfordshire
HP23 4BB

PLANNING DEPARTMENT						Your reference	
DACORUM BOROUGH COUNCIL							
Ref.						Ack.	
C.P.O.	T.C.P.M.	O.P.	D.C.	B.C.	Adm.	File	
					1/APB/A19	10/A/90/155257/P8	
Received						Date	
28 AUG 1990						24 AUG 90	
Comments							

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/1100/89

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for the change of use from residential to estate agents of the ground floor at 18 Western Road, Tring. I have considered the written representations made by you and by the Council and also those made by the Tring Town Council. I inspected the site on 23 July 1990.

2. From the written representations and from my inspection of the site and its surroundings I consider the main issues in this case are firstly whether the proposal would give rise to an unacceptable loss of residential accommodation, having regard to local planning policies; and secondly, whether the proposal's provision for off-street parking is unacceptable having regard to local planning policies.

3. On the first issue, the adopted (1984) Dacorum District Plan includes Policy 56 which seeks to resist changes of use from residential to office use to minimise loss of the existing housing stock in the district. District Plan Policy 53 further states that planning permission for new offices or changes of use of existing buildings to offices will normally only be granted where the proposal is located within the commercial area of the town centre of Tring as defined on the Proposals Map. Your proposal is to change the use of the ground floor of a residential 3-storey semi-detached house, located in an area of predominantly residential character. You have suggested that planning permission is not needed for your proposal, but in this you are not correct, as the proposal would give rise to a material change in the circumstances of use of a large part of the house. You have drawn my attention to the earlier use of part of the building for commercial purposes, but I note that this was prior to 1977, and that no established use certificate is available. In these circumstances I do not consider the former commercial use to be directly relevant to your appeal. You have argued that because No 18 has been enlarged over the past 10 years, the use of the ground floor for offices would result in only a small nett loss of residential floorspace. However, the entire ground floor is at present in residential use, and the proposed change of use would clearly result in its total loss for this use. In my view your proposal would result in the loss of significant residential floor space within the house, clearly contrary to the council's adopted policy. In view of the high demand for residential accommodation in the district I consider that this policy is well-founded, and that to allow the proposal in these circumstances would establish a precedent prejudicial to the objectives and application of the policy.

4. You have pointed out that the appeal building is currently, and has been for some time, used for housing girl students and girls working locally. In my view this serves to emphasise the importance of retaining residential accommodation such as this and resisting any change of use.

5. Turning to the second issue, your proposal envisages the use of the ground floor for an expansion of business activities to embrace property letting work, quantity surveying, building surveying, other building duties. In my opinion the conduct of such business will be likely to give rise to a steady flow of clients to the premises, and to the employment of staff for secretarial and other purposes, all of whom may travel to the office by car. The proposal is for about 71 sq m of office space. The council considers that 2 parking spaces should be provided to meet its adopted car parking standard for office use. The appeal building fronts the busy Western Road, where on-street parking space is available, but in my opinion should not be encouraged in the interests of the safety and free flow of traffic. You have stated that adequate parking is available, but this is in my view only the very limited parking available to serve the residents of both 18 and 20 Western Road. This parking space is accessed by a driveway of insufficient width for 2 vehicles to pass, and consequently no parking space is available along it. In my view, your proposal does not make adequate provision for off-street parking to accommodate the likely increased parking needs generated, and would therefore be likely to give rise to on-street parking in the area to the detriment of the safety and free flow of traffic on Western Road.

6. I have considered all other matters raised in the representations but find none to be of such weight as to alter my conclusions on the main issues.

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

I am Gentlemen
Your obedient Servant

Peter J. Baldwin

PETER J BALDWIN BSc CEng FICE FIHT MBIM
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To

Goldfield Development Limited
18-20 Western Road
Tring
Herts

.... Change of use of ground floor from residential to
.... Estate Agent's Office
at 18 Western Road, Tring, 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 7.6.89 and received with sufficient particulars on 26.6.89 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 result in the loss of a satisfactory unit of residential accommodation contrary to the provisions of Policies 56 and 61 adopted Dacorum District Plan.
2. There is no provision for vehicle parking within the site to meet standards adopted by the local planning authority.

Dated 19th day of ... October

19 89

Signed.....

Wm Barnard

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.