

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF

Hertford

IN THE COUNTY OF HERTFORD

To Mr. J. J. Bates
The Old Telephone Exchange
High Street
Hovingdon
Herts

..... double storey front extension and basement for
..... restaurant and double garage.
at Old Telephone Exchange, High Street, Hovingdon.

Brief
description
and location
of proposed
development.

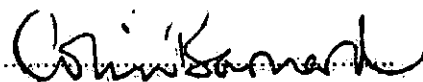
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 14 August 1981 and received with sufficient particulars on 4 September 1981 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The proposed development would by its nature be detrimental to the amenities of the residents in the locality and would lead to the attraction and parking of vehicles on the adjoining public highway leading to conditions detrimental to the nearby residents and the safety and free flow of traffic.

Dated 22 day of October 1981

Signed



Designation

Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.



Room 1509
Tollgate House Houlton Street Bristol BS2 9DU
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the environment

Direct line 0272-218863
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STN 2074
Comm.

DEPARTMENT OF THE ENVIRONMENT DISTRICT COUNCIL			
Ref.	Ack.		
C.P.C.	2	Admin.	File
Your reference			

Mr P A Gates
The Old Telephone Exchange
High Street
BOVINGDON
Herts

CHIEF EXECUTIVE
OFFICER

7 APR 1982

Our reference
T/APP/5252/A/81/15301 and
Date 1618A/G9

8 APR 1982

File Ref.
Refer to C.P.O.
Cleared

1838

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NOS: 4/0500/81 and 4/1144/81

1. I have been appointed to determine your 2 appeals against the decisions of the Dacorum District Council to refuse planning permission for (Appeal A) a 2-storey front extension to form coffee shop/restaurant and garage, and (Appeal B) a single-storey front extension and basement for restaurant and double garage, both appeals relating to the Old Telephone Exchange, High Street, Bovington. I have considered the written representations made by you and the council, and I inspected the site on 16 March 1982.
2. From my inspection of the site and surroundings, and from the written representations, I am of the opinion that the main issue in Appeal A is the likely effect of the extension on the street scene. In Appeal B the main issues are whether the traffic likely to be attracted by a restaurant with 40 seats would have effects on on-street parking and hence on the free flow of traffic and on the amenity of nearby residents that would be so detrimental as to justify refusal.
3. In the absence of any evidence that the 2-storey extension the subject of Appeal A would project further than the single-storey extension already approved, or that it would overshadow its neighbours, the objections to it must rest on its appearance as seen from the High Street. When the flats and maisonettes on 2 and 3 storeys now under construction to the north-west have been completed they will in my opinion dominate the skyline as viewed from the south-east, through north to north-west. It is this latter viewpoint, with the conservation area in the background that I regard as the most important. The new roof line, with a ridge parallel to the frontage, would contrast, when viewed from the front with the gable end of your existing building, with or without the single-storey front extension already approved. Whether the 2-storey extension now proposed would improve or impair the street scene must be a matter of taste, but I take the view that in the context of paragraphs 18 to 21 of Circular 22/80 your design is not out of scale or character with its surroundings. I therefore, consider that it should be approved.
4. Turning to Appeal B I noted at my inspection that the High Street was not part of a route important for through traffic, and that some off-street parking was available near it, mostly in front of shops or the Memorial Hall. The High Street with these uses and its public houses must thus attract people and vehicles that would have no cause to visit a purely residential area. The council evidently accepts that a 26-seat restaurant in such surroundings is not objectionable on

grounds of parking congestion or residential amenity. This was a decision which in my opinion struck a balance between the needs of immediate neighbours for peace and quiet, and the needs of others for a meal away from home.

5. Whether the addition of 14 seats, to increase the restaurant's capacity to 40, would unacceptably tip the balance against the near residential neighbours must be a matter of opinion. In this village centre site it seems to me that people who choose to live here accept drawbacks of a kind that they would not have to put up with on a housing estate, in exchange for advantages that they would also forgo elsewhere. I do not consider that the intensification represented by 14 extra seats whether represented by extra cars needing parking space, or by an addition to the disturbance caused by the closing of car doors and the starting of engines after closing time amounts to a sufficiently sound and clear-cut reason for refusal. For this reason I consider that Appeal B should be allowed. I have reviewed all the other matters in both sets of written representations, including the objections on fire and kitchen hygiene grounds but found none of sufficient weight to affect my conclusions.

6. For the above reasons, and in exercise of the powers transferred to me, I hereby allow these appeals and grant planning permission for -

- A - a 2-storey front extension to form coffee shop/restaurant and garage at the Old Telephone Exchange, High Street, Bovingdon, and
- B - a single-storey front extension and basement for restaurant, and double garage at the Old Telephone Exchange, High Street, Bovingdon.

in accordance with the terms of the applications (No 4/0500/81 dated 30 March 1981 and No 4/1144/81 dated 14 August 1981), and the plans submitted therewith, both subject to the condition that the developments hereby permitted shall be begun not later than 5 years from the date of this letter.

7. 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 P K HARKNESS
Inspector