

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

AJP

## DACORUM BOROUGH COUNCIL

IN THE COUNTY OF HERTFORD.

To Morritt Homes Ltd  
Morritt House  
62 Station Approach  
South Ruislip  
Middx. HA4 6SA

Hooper Skillen Associates  
43 High Street  
Rickmansworth  
Herts WD3 1ET

15 one bedroom elderly persons flats

at rear of 23-25 Queensway, Hemel Hempstead

Brief  
description  
and location  
of proposed  
development.

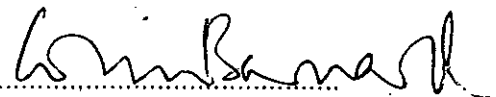
In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated **29th August 1984** and received with sufficient particulars on **3rd September 1984 (Amended 29.11.84)** 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 increased use of the access which is substandard in width and visibility is likely to give rise to conditions prejudicial to highway safety.
2. The proposal represents a gross overdevelopment of the site resulting in the erection of buildings out of scale and character with its surroundings. Such development would prove insensitive to this parkside setting and detract from the character of the designated Conservation Area.

Dated 29th day of November 1984

Signed



Chief Planning Officer

P/D.15

SEE NOTES OVERLEAF

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, 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.
- (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.



Department of the Environment and  
Department of Transport

Common Services

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~~1) MB~~  
~~2) JCB~~  
~~3) JOHNS~~  
~~4) TCM 1~~

| PLANNING DEPARTMENT GTN 2074<br>DACORUM DISTRICT COUNCIL  |   |                            |        |
|---|---|----------------------------|--------|
| Hooper Skillen Associates<br>Regency House<br>43 High Street<br>RICKMANSWORTH<br>Hertfordshire<br>WD3 1E7 |   | Ref.                       | Ack.   |
| C.P.O.  | D | C.                         | Admin. |
| Received  |   | Date                       |        |
| Comments  |   | Your reference             |        |
|   |   | T/APP/A1910/A/85/027269/P2 |        |
|   |   | 5 JUL 85                   |        |

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY MORRITT HOMES LTD  
APPLICATION NO:- 4/1180/84

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 erection of 15 flats for elderly people on land at rear of 23-25 The Queensway, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by other parties. I inspected the site on 17 June 1985.
2. The original application was for 7 one bedroom and 8 two bedroom flats for elderly persons. Before this application was considered by the council this was amended to 15 one bedroom flats as well as a day room, warden's office and communal kitchen. The parking provision for cars was also amended and was increased from 6 to 8.
3. From the representations and my observations at the site I consider that the main issue is the suitability of this site for these proposals bearing in mind their scale, the visual effect upon the park and the means of vehicular and pedestrian access.
4. The position of the site and its relationship to other facilities are exceptional. It is adjacent to and overlooks the funnel of land that leads from the entrance in the town to the large public park and is immediately to the rear of the High Street at the point where it begins to climb the side of the valley. It has immediate access to the new day centre for the elderly, the recreational facilities of the park and the walled flower garden as well as the shopping facilities of the town. As it is at present the temporary buildings on the site and the untidy rear view of buildings on the High Street detract from the visual amenities of the park and the Conservation Area as a whole. The site is allocated for commercial use in the District Plan but it would be eminently suitable for the type of residential use proposed.
5. It is a small site but with the availability of these other facilities this is not such a disadvantage as to warrant the dismissal of this appeal. Its clearance and the erection of a sympathetically designed building almost along the boundary between town and park would be of positive benefit to the appearance of the area. There may be alternative methods of layout but in my view the height, scale and position of the proposals would not amount to an over-development of the site but would be appropriate to this urban setting as would the varied roof line. It would not dominate but would help to enclose the small area of park at the entrance and this would be in contrast to the wider park beyond. This variety in

scale and in the enclosure of space would emphasise and improve the relationship between the park and the town. The orientation of the building is ideal with the long residential elevation facing westward across the valley and the small garden area facing southward, even though this would be surrounded by boundary walls and other buildings.

6. The question of the safety of the access is important but for the following reasons I have come to the conclusion that it is acceptable and within the character of an older town centre such as this. The amount of traffic would be limited and few other users are involved. The increase in use would be partly balanced by the loss of traffic to the industrial premises that are to be replaced. The lane is short and of reasonable width and you are providing adequate parking and turning facilities so at no time should there be a need for traffic to reverse out onto the High Street. I have also taken into account that the access has been in use for many years and that the pavements along High Street are wide and the road straight so that vision for emerging drivers although limited is adequate. In addition to which no parking is allowed on either side of the street and, because of the hill, traffic on the near side is likely to be moving slowly.

7. In reaching these conclusions I have also taken into account the advice in Circular 22/80 concerning questions of design and that in Circular 15/84 concerning the need to ensure the full and effective use of land within existing urban areas.

8. I have had regard to all the other matters referred to in the representations but do not find them of sufficient importance to outweigh the considerations that have led me to these conclusions.

9. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of 15 flats for elderly people on land at rear of 23-25 The Queensway, Hemel Hempstead in accordance with the terms of the application (No. 4/1180/84) dated 29 August 1984 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.

10. The developer's attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

11. 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. Your attention is drawn to the provision of section 277A of the Town and Country Planning Act 1971 (inserted into the Act by the Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of any building in a conservation area.

I am Gentlemen  
Your obedient Servant



J R COWARD MCD BArch RIBA  
Inspector