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Andrew Welch & Co
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Your reference

DANS

Our reference

T/APP/A1910/A/87/82908/P3

Date

25 APR 88

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MACDOUGALL MILLER
APPLICATION NO:- 4/1209/87

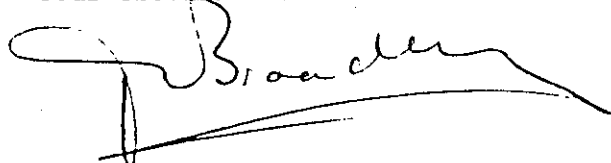
1. I have been appointed by the Secretary of State for the Environment to determine the above appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the change of use from residential to offices of No. 13A Marlowes, Hemel Hempstead. I have considered the written representations made by you and by the council. I inspected the site on 1 March 1988.
2. The site inspection was arranged on an accompanied basis. However, the council were not represented at the appointed time. In the circumstances, and with your representative's agreement, I carried out my site inspection on an unaccompanied basis. Subsequently a representative of the council confirmed to me verbally the propriety of my action.
3. From this inspection and from the written representations, I find that the main issue in this appeal is whether or not the proposed development would result in the loss of a satisfactory unit of residential accommodation.
4. The site is within the central area of Hemel Hempstead and comprises the upper floors of a unit in a terraced building. Access to the site is via a covered passage between Nos 19 and 21 and thence along the backs of Nos 13-19 inclusive. The access is too narrow for the passage of any vehicle larger than a solo motor cycle. Scaled on the Ordnance Survey Map, the distance kerbside to the site door is about 40 m. Some other first floor flats in the terrace appear to have been converted to non-residential use.
5. It seems to me that the appeal site is a less than satisfactory place to live. This is because of the length and narrowness of the route between it and the kerbside, which in my judgement would make the delivery of items such as furniture thereto, and the collection of items such as refuse therefrom unduly difficult. Accordingly whilst I accept that the proposal would result in the loss of a residential unit, I find that it would not result in the loss of a satisfactory one. In these circumstances, I conclude that the proposal would not cause demonstrable harm to the council's aim of keeping residential properties in use as such.
6. I have taken all the other written representations into account, including the circumstances in which other nearby first floor units came out of residential use. However I find nothing sufficient to alter my decision that this appeal should succeed.

7. 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 from residential to offices of No. 13A Marlowes, Hemel Hempstead in accordance with the terms of the undated application (ref 4/1209/87) and the plan submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years after the date of this letter.

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

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 Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'J D Broadley', with a long horizontal flourish extending to the right.

J D BROADLEY BSc MEng CEng MICE MStructE
Inspector

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