

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To MacDougal Miller
c/o R A Miller
57 Park Road
Hemel Hempstead
Herts

Change of use of flat to offices (First and Second Floors)
at 13A Marlowes, 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 Undated and received with sufficient particulars on 5 August 1987 and shown on the plan(s) accompanying such application.

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

The proposal is contrary to the provisions of Policy 56 of the Dacorum District Plan in that it will result in the loss of a satisfactory unit of residential accommodation.

Dated 10 day of September 1987

Signed W. B. B. B. B.

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.

COPY



**Department of the Environment and
Department of Transport**

Common Services

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

PLANNING DEPARTMENT					
DACORUM DISTRICT COUNCIL					
1	2	3	4	5	6
1	2	3	4	5	6
- 5 APR 1988					
Direct Line 0272-218 927					
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GTN 2074					

Andrew Welch & Co
53 Princess Street
LUTON
Bedfordshire
LU1 5AT

**CHIEF EXECUTIVE
OFFICER**

- 6 APR 1988

File No.
Refer to *CPO*
Closed

Your reference

DANS

Our reference

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

Date

- 5 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.

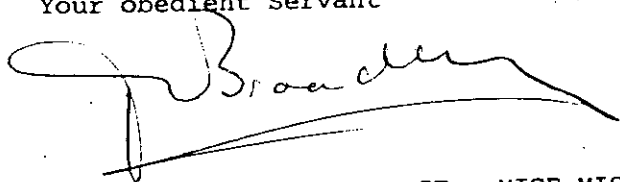
File

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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