

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

DD

To Chestnut Ltd
14 Granville Street
Aylesbury
Bucks

Robert Burns & Associates
Brook House
Market Square
Aylesbury HP20 1SN

..... Conversion of one dwelling to form three
..... flats
at 151 High Street, Berkhamsted, 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 27.6.88 and received with sufficient particulars on 28.6.88 and shown on the plan(s) accompanying such application.

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

There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.

Dated Eighth day of ... September 19 88

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.

TOWN & COUNTRY PLANNING ACT 1971



DACORUM BOROUGH COUNCIL

To:

Robert Burns and Associates
Brooke House
Market Square
Aylesbury
Bucks.
HP20 1SN

Change of use from one dwelling to three flats -
details of sound insulation and vehicle crossover
pursuant to Planning Permission 4/1235/89 (conversion
of dwelling to form three flats).

151 High Street, Berkhamsted, 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
gives approval to the details which were reserved for subsequent approval
in planning permission no 4/1235/88

granted on 25 April 1989 at the above-mentioned
location in accordance with the details submitted by you, with your
application dated 17 May 1989.

Dated 28th day of June 19 89

Signed

Designation Chief Planning Officer

NOTE: This is not a separate planning permission, but must be read in
conjunction with any conditions attached to the permission
indicated above.

C/211/MH/P

an



Department of the Environment and
Department of Transport

Common Services

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Freeth and Company
Chartered Surveyors
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179 Marlowes
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HP1 1BB

CHIEF EXECUTIVE OFFICER		Your reference
14 JUL 1987		Our reference
File Ref	14 JUL 1987	T/APP/A19107/1/87/064509/P2
Ref		Date
		13 JUL 87

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY SUNLEY HOLDINGS LIMITED
APPLICATION NO: 4/0872/86

Received 14 JUL 1987

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal against the decision of the Dacorum District Council to refuse planning permission for the change of use of the first and second floors of 151 High Street, Berkhamsted from residential use to offices. I have considered the written representations made by you and by the council and I inspected the site and its surroundings on 1 June 1987.
2. From my inspection and the representations before me I consider that this appeal raises 2 main issues. Firstly whether, having regard to its location and design, and the council's policies, the proposed change of use would result in an unacceptable loss of residential accommodation; and secondly, the adequacy of the car parking facilities proposed.
3. The approved Hertfordshire Structure Plan aims to limit changes of use for offices to those for firms substantially serving the local community or needing to be located within the county for other reasons. The adopted Dacorum District Plan seeks to confine office development, including changes of use, to the commercial areas of towns centres including Berkhamsted. It also requires all new development to include provision for car parking in accordance with the council's guidelines appended to it, and to pay particular attention, amongst other things to matters of layout and access.
4. Due to the diversity of housing needs within the district the plan also contains policies to achieve the efficient management of the existing housing stock. Consequently planning permission will not normally be granted for any change of use which would result in the nett loss of residential accommodation, and this is specifically taken into account in relation to office proposals. The appeal site lies within the Berkshampsted Conservation Area.
5. The appeal premises are vacant at present, but they were formerly used for residential purposes. The basement and ground floor of the building are also unoccupied, but they were formerly in retail use, and they contain a shop front facing High Street and the corner of Prince Edward Street. The parties agree that the premises lie within the commercial centre of the town. You suggest, however, that their proximity to the "King's Arms" public house 2 doors away renders the location unsuitable for residential use owing to the likelihood of noise and disturbance from late-night activity. Only 2 rooms face High Street, however, and none overlook the rear yard of the public house east of the appeal premises. Whilst

I accept that some disturbance may occur I consider that it would be unlikely, therefore, to affect the occupants of the appeal premises to an unacceptable degree. I also note the council's comment that some limited disturbance may be offset for some people by the convenience of a town centre location.

6. All the rooms in the appeal premises except those at each end face Prince Edward Street. The building has a very long, but rather narrow plan form, therefore, which is only one room deep with an interconnecting corridor extending along its eastern side. You suggest that the layout is unsuitable for residential use owing to the excessive alterations which would be involved. The works required are not specified, however, and whilst I acknowledge that some alterations would be needed to provide accommodation suitable for modern dwellings I can see no particular difficulties which the layout of the building would present.

7. The council point out that the premises have an access which is independent from the shop, and in my view most of the rooms are of suitable size for dwellings. Whilst I accept that some division may be necessary to provide additional bathrooms, and the premises would require fittings and fixtures, together with decoration, they appeared to be in reasonably sound condition, notwithstanding some signs of movement in one room. It would be possible, in my view, to adapt them to form either 2 maisonettes or possibly 3 dwellings as you suggest, and in the absence of specific evidence to the contrary I am not persuaded that the difficulties would be insurmountable or necessarily uneconomic.

8. You state that the premises have not been lived in for a considerable time, and your client considers it very unlikely that they could be brought into residential use again, whereas the proposal would satisfy a general demand for this size of office accommodation which is not disputed by the council. During my inspection I observed that the upper floors of buildings in the vicinity were used either in association with the activity on the ground floor, or more commonly appeared to be unused. In the absence of evidence to the contrary and in the light of my observations it would seem that there is little demand for such accommodation generally.

9. Turning now to the matter of car parking you suggest that the appeal premises could accommodate 3 dwellings which would require 6 parking spaces under the council's guidelines. The proposed offices would require 9, however, which is significantly more and far in excess of the 2 which could be provided on the appeal site. I note, from my inspection, that car parking is prohibited along most of High Street in the vicinity of the site. It is also very restricted along Prince Edward Street. There is quite a large public car park across High Street, but at the time of my visit it was very busy. I acknowledge your comment about future likely provision by the council, but my observations lead me to agree with them that this would to a large degree only meet present unsatisfied demand.

10. The Town Council, in their comments about the application were concerned about the increase in traffic likely to be created in what they consider to be an already busy area. Traffic along High Street was heavy during my inspection, and turning manoeuvres by vehicles entering and leaving the side streets caused delays. The proposal would increase general activity in the vicinity, adding to the congestion, in my view, particularly in the absence of adequate parking facilities.

11. I do not agree with you that the appeal premises are in principle unsuitable for residential occupation, and they could, therefore, contribute to the districts housing stock. In the absence of evidence, however, I conclude from my observations that there appears to be little demand in the vicinity for such accommodation.

Nevertheless, I consider the council's requirement for car parking to be reasonable in this instance, and the short-fall of your client's proposed provision from the normal requirement would be too great to be acceptable.

12. I have taken account of all other matters raised in the representations, but they do not outweigh the considerations leading to my decision. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

A handwritten signature in dark ink, appearing to read 'J. K. Turner'. The signature is written in a cursive, slightly stylized font. The 'J' is large and loops around the 'K'. The 'Turner' is written in a more straightforward cursive. There is a horizontal line under the signature.

I K TURNER LLB(Hons) DipArch RIEA FRSA ACI Arb
Inspector

TOWN AND COUNTRY PLANNING ACT 1971

**TOWN AND COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS
PROCEDURE) REGULATIONS 1987**

**APPEAL BY CHESTNUT LTD AGAINST THE DECISION OF DACORUM BOROUGH
COUNCIL AS LOCAL PLANNING AUTHORITY TO REFUSE PLANNING PERMISSION
FOR THE CONVERSION OF ONE DWELLING TO FORM THREE FLATS AT 151 HIGH
STREET, BERKHAMSTED, HERTFORDSHIRE**

**DACORUM BOROUGH COUNCIL : 4/1235/88
REFERENCE**

DEPARTMENT OF THE ENVIRONMENT : APP/A1910/A/88/106062

WRITTEN STATEMENT OF DACORUM BOROUGH COUNCIL

1. THE APPEAL

1.1 On 8 September 1988, Dacorum Borough Council as local planning authority refused planning permission for the conversion of one dwelling to three flats at 151 High Street, Berkhamsted.

1.2 The application was refused for the following reason:

1.2.1 There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.

1.3 The appeal has been lodged against this decision.

2. DESCRIPTION OF APPEAL SITE AND SURROUNDINGS

2.1 151 High Street is a large three storey building situated on the corner of the High Street with Prince Edward Street, a narrow no-through road.

2.2 An estate agency is situated on the ground floor with a dwelling on the first and second floors. A small garden, some 9.2 m by 6.2 m in size, is located to the rear of the property and accommodates a prefabricated garage. This garden area is to be surfaced to provide parking for four cars and stores for refuse bins.

2.3 The opposite side of Prince Edward Street contains two commercial businesses, a shop selling kitchen tiles and associated products, and a coffee house. Some form of vehicular access to the Kings Arms, a hotel, is gained from a drive at the rear of the appeal site.

- 2.4 Parking restrictions between the hours of 0830 and 1830 from Monday to Saturday exist along Prince Edward Street.

3. PLANNING HISTORY OF APPEAL SITE

- 3.1 In 1967, consent was granted for a new shop front to the ground floor of the property (LA Ref W2520/67).
- 3.2 An application for the change of use from residential to offices of the first and second floors of the building was refused in 1986 (LA Ref 4/0872/86). This was because the development would result in the loss of a satisfactory unit of residential accommodation, being contrary to the provisions of the District Plan, and also that there was insufficient vehicle parking on site to meet standards adopted by the Council. The application was subsequently dismissed on appeal on 13 July 1987.
- 3.3 A change of use of the ground floor from retail to estate agency was approved in February 1988 (LA Ref 4/1835/87). This incorporated some alterations to the shop front.
- 3.4 Consent was granted on 10 November 1988 for the conversion of the first and second floors to two flats (LA Ref 4/1731/88). This application had a car parking layout identical to that which is the subject of this appeal. The Council considered that the traffic generated by two flats could, by adopted standards be accommodated by the four spaces provided.

4. PLANNING POLICIES

- 4.1 The County Structure Plan was approved by the Secretary of State in 1979. In 1984 the Secretary approved "Alterations No. 1" to the Structure Plan. On 1 May 1986, the Structure Plan Review was submitted to and later modified by the Secretary of State. The Structure Plan Review of 1986 is now fully operative. Policies 27, 47, 48, 49, 57, 71 and 72 of the Structure Plan Review are relevant to the determination of this appeal.
- 4.2 The Dacorum District Plan, a local plan covering the whole of the administrative area, was adopted by the Council in January 1984. The plan comprises a written statement supported by a series of Proposals Maps covering the Borough. The appeal site is within the urban area of Berkhamsted, and also lies within the defined Conservation Area and Commercial Area. Policies 18, 19, 62, 63 and 66 are relevant to the determination of this appeal.

5. PLANNING CONSIDERATIONS

5.1 The Council has no objection in principle to the conversion of dwellings to smaller units. On the contrary, Policy 62 of the District Plan favours such conversions.

5.2 However, Policy 62 clearly states that proposals for residential conversions must accord with environmental guidelines and car parking standards as laid down in the District Plan. At least five spaces are required for the development proposed. This figure is based upon a requirement of 1.5 spaces per flat and a visitor requirement of 0.25 spaces per flat.

5.3 Appendix 6 of the District Plan states that, in relation to car parking guidelines:

"The figures are intended as the reasonable requirement but could be modified depending upon the merits of each development proposal."

This is a case where the local planning authority considers it appropriate to rigidly apply these guidelines. Parking is already a great problem within Berkhamsted Town Centre, with the two main car parks being full for most of the daytime. On-street parking cannot be viewed as a satisfactory alternative. There are waiting restrictions on the High Street and in Prince Edward Street. In addition there are often vehicles parked in Prince Edward Street in connection with the shop and coffee shop was as mentioned in paragraph 2.3.

5.4 The Council has had regard to the report of the DoE Inspector in respect of planning application 4/0872/86 (DoE Ref App/A1910/A/87/064509/P2). With reference to paragraph 7 of that report, the inspector stated:

"It would be possible, in my view, to adapt them (the premises) to form either 2 maisonettes or possibly 3 dwellings..."

5.5 The Inspector addressed the question of car parking in paragraphs 9, 10 + 11. This confirms most of the Council's concerns as outlined in paragraph 5.3 above. For those reasons, this led the Inspector to conclude that:

"....I consider the Council's requirement for car parking to be reasonable in this instance...."

The Council believes that the requirement for five parking spaces, in the light of this, is entirely reasonable. Note is taken that the Inspector's view was that the property would lend itself to conversion to 2 maisonettes (which has recently been approved by the Council ref 4/1731/88) or possibly 3 dwellings. The Council does not take the view that this implies that three units of accommodation are definitely acceptable at the premises, but have to be viewed in connection with Policies 18, 19 and 66 of the District Plan, relating to environmental and car parking guidelines.

6. CONCLUSION

- 6.1 Whilst there is no objection in principle to the conversion of the single dwelling at 151 High Street, Berkhamsted to smaller units, the proposal does not provide sufficient car parking to meet standards adopted by the Council.
- 6.2 Given the problems of car parking, congestion and parking restrictions in Berkhamsted Town Centre, the Council believes it is appropriate for the parking requirements to be applied rigidly in this case. Consequently the amount of car parking proposed is unacceptable.
- 6.3 For the reasons given here and above, it is therefore respectfully requested that this appeal be dismissed.

7. PLANNING CONDITIONS

- 7.1 In the event that the appeal is allowed, it is suggested that the following conditions be attached to any planning permission:
 - 7.1.1 The development to which this permission relates shall be begun within a period of five years commencing on the date of this notice.
 - 7.1.2 The developer shall construct the crossover to standards set out in the current edition of Hertfordshire County Council's "Specification for the Construction of Residential Estate Roads" and the development shall not be brought into use until the access is so constructed.

7.1.3 Before the flats hereby permitted are first occupied, a scheme shall be submitted to and approved by the local planning authority illustrating the means by which sound transmission between first and second floors and the adjoining flat shall be resisted.

7.1.4 Before the flats hereby permitted are first occupied, the arrangements for vehicle parking shown on drawing number 888/1 (plan reference 4/1235/88) shall have been provided, and they shall not be used thereafter otherwise than for the parking of vehicles.

11.88/JD/TM/APP/4/1235/88/PL.2



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

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**CHIEF EXECUTIVE
OFFICER**

27 APR 1989

File No. **CP027/4**
927 Refer to
Cleared **1/13**

Foinette Quinn
Solicitors (fao Mrs W Hoare)
41 Windsor Street
Wolverton
MILTON KEYNES
MK12 5AL

Your reference

WH/JH/9154
Our reference

T/APP/A1910/A/88/106062/P4
Date

25 APR 89 DACORUM BOROUGH COUNCIL

Ack.

Admin.

File

Received

27 APR 1989

Comments

Madam & Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY CHESTNUT LTD
APPLICATION NO: 4/1235/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the conversion of one dwelling to form 3 flats at 151 High Street, Berkhamsted. I have considered the written representations made by you and by the Council. I inspected the site on 20 February 1989.
2. From the representations and my inspection of the site and surroundings, I am of the opinion that the decision in this appeal rests primarily on whether there is adequate parking provision for the proposal to ensure the safety and convenience of people using the roads in the locality.
3. Your clients propose to convert 151 High Street to three 2-bedroom flats and, although the development is within the Berkhamsted Conservation Area, the Council have made no objection on the grounds of design to the conversion of the property to smaller units. Also it is acceptable within the terms of the relevant planning policies for Berkhamsted set out in the Dacorum District Plan which was adopted in 1984.
4. The District Plan contains guideline standards for car parking and the application of the standard for three 2-bedroom flats results in a minimum requirement of 5 spaces whereas the conversion includes 4 spaces. Although the Council accept that the standard could be modified depending on the merits of the proposal, in this case, because the conversion is in the heart of Berkhamsted town centre, the pressures for parking are such that the Council say the standard has to be strictly applied.
5. A previous appeal against refusal of planning permission for conversion of this property to office use was dismissed by the Inspector because he considered the parking provision to be inadequate (ref: T/APP/A1910/A/87/064509/P2). In drawing my attention to this, you have pointed out that the large shortfall between the parking standard for the office use (9 spaces) and the car parking proposed (2 spaces) but that the shortfall for this conversion is far less. You have further argued that, in reality, the parking standard for this type of residential accommodation is too generous.

6. I saw on my visit that the centre of Berkhamsted was very busy and that the parking provision in the vicinity of the appeal site was fully taken up, to the extent that there was some local congestion. However, this was in the middle of the day, when the activity around the business and commercial uses was at its peak. Whilst I concur with the previous Inspector that a shortfall in provision for an office use would add to this congestion and be unacceptable, I have come to the view the parking associated with residential use would follow a different pattern and that a shortfall of one space is not, in these circumstances, unacceptable. The parking for the proposed flats would, I consider, be fully used in the evening, overnight and at weekends. If, at these times, additional parking is required by residents or visitors, street parking is not restricted in Prince Edward Street or High Street except on Saturdays. In addition, there is a large public car park which could also be used more easily at these times. Although I am concerned about parking difficulties which may occur on Saturdays when the day time street parking restrictions apply and the town may be full of shoppers, in my opinion, this is not sufficient reason to withhold permission as the standard is almost being met and, as you say, 3 dwellings are being created. In coming to this view, I consider that the crossing over the footway and the parking spaces should be made available for use without delay and kept available for use by the occupiers of the flats and I am imposing conditions to this effect.

7. The Council also ask that a condition for sound insulation in the flats be imposed. I note that you are agreeable and, as this is a conversion, good sound insulation is necessary for the privacy of the occupants and I am imposing the condition.

8. I have concluded overall that although the parking provision is below the Council standard, as this is a residential use in the town centre, the provision is adequate bearing in mind the other parking opportunities available. The proposal would not, therefore, add to the general congestion on the streets which would be a hazard to pedestrians and road users. In coming to this conclusion, I have taken into account all other matters raised but I have found none to be of sufficient importance to outweigh the considerations which have led to my decision.

9. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the conversion of one dwelling to form 3 flats at 151 High Street, Berkhamsted in accordance with the terms of the application (No 4/1235/88) dated 27 June 1988 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

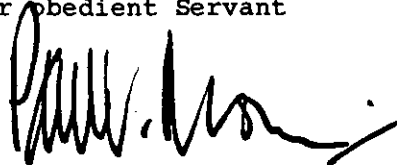
2. Development shall not begin until details of the crossing over the footway have been approved by the local planning authority and the crossover and the parking spaces shall be made available for use before any of the flats are occupied and thereafter shall be kept available for use by the occupiers of the flats.

3. Development shall not begin until details of sound insulation on the walls and floors between the 3 flats hereby permitted have been submitted to and approved by the local planning authority and the flats shall not be occupied until that sound insulation has been installed in accordance with the approved details.

10. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

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 buildings in a conservation area.

I am Madam and Gentlemen
Your obedient Servant

A handwritten signature in black ink, appearing to read 'Paul V Morris', with a stylized flourish at the end.

PAUL V MORRIS DiPTP MRTP
Inspector