

Dacorum Borough Council Planning Department

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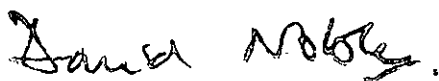
MR & MRS G HOLLIDAY
15 BOURNE END LANE
HEMEL HEMPSTEAD
HERTS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01238/00/FUL

58 HIGH STREET, BERKHAMSTED, HERTS, HP4 2BP
CHANGE OF USE FROM A1 TO A3(HOT FOOD TAKE-AWAY)

Your application for full planning permission dated 01 July 2000 and received on 05 July 2000 has been **REFUSED**, for the reasons set out overleaf.



Development Control Manager

Date of Decision: 21 September 2000

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01238/00/FUL

Date of Decision: 21 September 2000

1. The application site is within a residential area and the proposed change of use from Class A1 to Class A3 does not complement the character of the area. No evidence has been submitted to demonstrate that all reasonable attempts to sell or let the premises for shop purposes have failed. Furthermore, the proposed change of use is likely to result in an unacceptable loss of amenity to nearby residential properties. As a result this proposal is contrary to the aims and objectives of Policies 7, 8 and 42 of the Dacorum Borough Local Plan and Policies 7, 9 and 46 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft.



Appeal Decision

Site visit made on 13 June 2001

by **T Cookson DipTP MRTPI**

An Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

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Date **6 JUL 2001**

Appeal Ref: APP/A1910/A/01/1061473

58 High Street, Berkhamsted

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs G Holliday against the decision of Dacorum Borough Council.
- The application (reference 4/01328/00/FUL), dated 1 July 2000, was refused by notice dated 21 September 2000.
- The development proposed is change of use from Class A1 to Class A3 (hot food take-away).

Summary of Decision: the appeal is dismissed

Main Issues

1. From my inspection of the site and surroundings and my consideration of all the representations, I am of the opinion that the main issue in this appeal is the effect of the proposed development on the living conditions of nearby residents and the character of the area.

Procedural Matters

2. The appeal site is within the Berkhamsted Conservation Area. I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area when dealing with this appeal.

Planning Policy

3. The most relevant part of the development plan is the Dacorum Borough Local Plan. The Plan contains policies (7, 8, 42) which relate in turn to land use division in towns and large villages; the quality of development; and scattered local shops. The deposit draft version of the Dacorum Borough Local Plan 1991-2011 contains similar policies (7, 9, 46).

Reasoning

4. The appeal property consists of a small shop unit, formerly a butchery, located on the north-east side of the High Street very close to its junction with Holliday Street. The designated town centre lies to the west, with the main concentration of shopping uses commencing around the junction of the High Street with Victoria Road. In the vicinity of the appeal premises, across the road, can be found a chiropractic clinic and a florist's shop. Next door

is a motor cycle sale and repair shop. There is a church is on the other side of the High Street/Holliday Street junction.

5. A feature of this area around the appeal site, which reflects its position close to the designated town centre, is the very limited amount of off-street car parking. Of necessity, the side roads leading from the High Street and those parts of the High Street free of parking restrictions, one of which is immediately outside the appeal premises, are full of parked vehicles. And as the High Street is one of the main routes into the town, it carries a notable amount of traffic.
6. However, the predominant land use around the site is residential. This is in the form of cottages of longstanding; modern houses with small front gardens facing the High Street; more elegant town houses and larger properties set a little back from the road behind verges; or terraced properties and flats in the roads leading to the High Street. This primary residential use is acknowledged in the local plan by the area being designated as part of the residential area of the town. The elegant, attractive nature of the neighbourhood is recognised also by its inclusion within the Conservation Area.
7. Hot food takeaways are usually characterised by long hours, and they can often be the cause of cooking odours, litter from discarded wrappers and containers, noise from lively late-night customers, and noise from vehicles stopping outside or in close proximity. In a town centre, district centre or local centre, a hot food take-away establishment can be acceptable because of the presence of other late-opening uses nearby such as public houses, cinemas, and night-clubs. However, out of such areas such a use can be detrimental. I consider the latter situation applies here.
8. Whilst no details of the type of foods to be served at the premises has been given, I accept that modern fume extraction equipment can reduce odours from the cooking process, although it is possible that odours could escape through the front door. Litter is very difficult to control and the placing of litter bins outside is no guarantee that they would be used. However, my prime concern is the effect of customers visiting the premises in the evening and late at night – the usual hours of opening and one of the prime selling periods, especially at weekends. The net effect would be to bring an unacceptable increase in the level of activity into this part of an attractive residential area to the detriment of the amenities of the residents. Customers would stop in their vehicles outside the shop and in front of the neighbouring properties, or on the verge across the road, or in the side streets. Late night customers walking from the town centre after a night out could be merry and noisy and would bring an increase in pedestrian traffic to what is presently a relatively quiet part of the neighbourhood. Overall, there would be a diminution in both the amenities of the living conditions of the residents and the character of the area.

Conclusions

9. In arriving at this conclusion I have taken into account all other representations made, including the presence of the 2 other hot food establishments. However, with them I consider that the circumstances are sufficient to warrant different considerations to apply in this case.

Formal Decision

10. In exercise of the powers transferred to me, I dismiss the appeal.

Doonan

INSPECTOR